

BOARD OF SUPERVISORS

MINUTES

July 23, 2003

Supervisors in Attendance:

Mr. Arthur S. Warren, Chairman
Mr. J. L. McHale, III, Vice Chrm.
Mr. Edward B. Barber
Mrs. Renny B. Humphrey
Mr. Kelly E. Miller

Mr. Lane B. Ramsey
County Administrator

**School Board Member
in Attendance:**

Mrs. Elizabeth Davis, Chairman

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Craig Bryant, Dir.,
Utilities
Dr. Billy Cannaday, Jr.,
Supt., School Board
Mr. Allan Carmody, Budget
Manager
Ms. Jana Carter, Dir.,
Youth Services
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. James Dunn, Dir.,
Economic Development
Mr. Robert Eanes, Asst.
to the Co. Administrator
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joseph Horbal,
Commissioner of Revenue
Mr. Thomas E. Jacobson,
Dir., Planning
Mr. H. Edward James,
Dir., Purchasing
Ms. Mary Lou Lyle, Dir.,
Accounting
Ms. Mary Martin, Asst.
Dir., Human Resource Mgt.
Mr. R. John McCracken,
Dir., Transportation
Mr. Steven L. Micas,
County Attorney
Mr. Glen Peterson, Dir.,
Community Diversion
Incentive Program

Mr. Francis Pitaro, Dir.,
General Services
Ms. Chris Ruth, Asst.
Dir., Public Affairs
Capt. Frank Spence,
Sheriff's Office
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office

Mr. Warren called the regularly scheduled meeting to order at 3:13 p.m.

1. APPROVAL OF MINUTES FOR JUNE 18, 2003

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board approved the minutes of June 18, 2003, as submitted.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

Mr. Ramsey stated that in 1984, the county entered into a Moral Obligation Agreement with Richmond, Henrico and the Richmond Metropolitan Authority (RMA) to rebuild The Diamond baseball complex. He further stated the state-of-the-art facility built in 1984 is now considered antiquated. He then introduced Mr. Mike Berry, General Manager of Richmond Metropolitan Authority, to brief the Board relative to The Diamond renovation project.

Mr. Berry stated the Board is being requested to amend its existing resolution authorizing a moral obligation agreement to allow RMA to borrow \$18.5 million to renovate The Diamond facility. He further stated the renovation will bring the facility up to professional baseball standards and requirements of the Americans With Disabilities Act, as well as provide a "facelift." He stated the Braves have contributed over \$3 million back to the community over the past several years, supporting many schools, churches and civic groups in the county. He introduced Mr. Jim Kennedy to provide details of the proposed renovation project.

Mr. Warren recognized Mr. Dick White, the county's representative on the RMA Board of Directors, who was present at the meeting.

Mr. Kennedy briefly described the process used to determine the proposed renovations and provided a summary of the renovations, including a new lowered playing field; improved site utilities; renovated service level amenities; new elevator for all levels; new sound system for all levels; re-lamping existing field lights; and expanded administrative offices. He reviewed amenities that would be provided through the renovations, including ten new rows of seats below the existing box seats; a horizontal aisle between the

new ten rows and the existing box seats; a main concourse connection with an outfield berm concourse; a new, shaded/trellised area for picnics, etcetera; new play area in the left field corner; new and renovated restrooms and concession stands; a new novelty sales area; fan assistance first aid/security areas; new outfield berm seating area; new entrance/theme area in right center field; new concession areas; a renovated press box; new wall behind the last row of seats; and additional aisles.

Mr. Berry stated the same moral obligation support is being requested from all three jurisdictions. He further stated a new contract with the Braves has to be in place before going forward with the project, indicating that the Braves will want some assurance that the project will be funded before signing a new contract. He noted that the majority of the construction will be scheduled between the 2004-2005 seasons.

When asked, Mr. Berry stated RMA will make a presentation on Monday afternoon to City Council, and because the city requires two readings of an ordinance, they cannot make a decision until the first meeting in September unless they hold a special meeting in August. He further stated the City Manager is considering other sites downtown for the possibility of a new facility.

Mr. Miller expressed concerns relative to the county being asked to provide moral support for The Diamond if the City Manager is considering other sites.

Mr. Berry stated he feels the City Manager supports the project and wants the Braves to stay in the Richmond Metropolitan area, but is interested in exploring the possibility of a new site downtown.

Discussion ensued relative to future budgeting for the county's share of the moral obligation agreement.

When asked, Mr. Berry stated that unless the Braves execute a reasonable and satisfactory contract, the entire project would collapse.

Mr. Miller expressed concerns that if the Braves pull out, the county would be left with this moral obligation.

Mr. Berry stated two contracts have previously been negotiated with the Braves, indicating that their track record suggests they will continue to stay. He further stated that RMA has indicated to the Braves if they would agree to stay ten more years, then the localities would agree to provide approximately \$18.5 million in renovations to The Diamond between the 2004 and 2005 seasons. He noted that RMA also indicated to the Braves that some of the renovations might have to be completed between the 2005 and 2006 seasons.

Discussion ensued relative to the timeline necessary for having renovations done between the 2004 and 2005 seasons.

Mrs. Humphrey stated she feels the Braves should sign a 20-year contract since the localities are being asked to morally support 20 years of debt. She further stated she has many more questions that need to be addressed and suggested that the Board consider deferring consideration the resolution

amending the moral obligation agreement on the Board's Consent Agenda.

Mr. Barber stated he will support a 30-day deferral. He further stated the Braves cannot continue to wait for the City Manager to come forward with a proposed alternate location, and if a new facility is going to be built, he would like it to be in Chesterfield County.

Mr. Warren expressed appreciation to Mr. Berry for the informative presentation.

Mr. Berry stated he will be glad to meet with Board members to answer additional questions.

When asked, Mr. Ramsey stated the Capital Improvement Program adopted by the Board for FY2004 anticipated \$500,000 annually beginning in 2006 for The Diamond.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

After brief discussion, on motion of Mr. McHale, seconded by Mr. Warren, the Board replaced Item 8.C.1.d., Adoption of Resolution Recognizing August 1-7, 2003, as "International Clown Week"; deleted Item 8.C.1.g., Adoption of Resolution Amending the Moral Obligation Agreement Between Chesterfield, Henrico, Richmond and the Richmond Metropolitan Authority to Renovate and Upgrade The Diamond; replaced Item 8.C.17., Authorization to Exercise Eminent Domain for the Acquisition of Easements for the River Road Waterline; added Item 8.C.24., Request to Aid the Crowder Trust in the Acquisition of Offsite Sewer and Temporary Construction Easements; replaced Item 16.B., Public Hearing to Consider Ordinance Amendments to Expand Background Checks to All New Employees and Employees Who are Promoted or Transferred; and adopted the Agenda, as amended.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING CAPTAIN WILLIE E. RICE, JR., CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, UPON HIS RETIREMENT

Chief Elswick introduced Mr. Willie Rice who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Captain Willie E. Rice, Jr. will retire from the Chesterfield Fire and Emergency Medical Services Department, Chesterfield County, on July 1, 2003; and

WHEREAS, Captain Rice graduated from Recruit School #7 in 1977 and has faithfully served the county for 29 years in various assignments including as a Firefighter at the Manchester and Midlothian stations; as a Sergeant at the Bon Air, Buford, Manchester, and Wagstaff stations; as a Lieutenant at the Midlothian station; and as a Captain at the Buford and Dutch Gap stations and the Training and Safety Division; and

WHEREAS, Captain Rice has been an active Fire Instructor for many years, a member of the International Society of Fire Service Instructors, a presenter at the National Fire Department Instructor Conference, and has served as the coordinator and lead instructor for Recruit Classes #27 and #28; and

WHEREAS, Captain Rice helped to design Chesterfield Fire and EMS's Technical Rescue Training program; assisted in the development of its Technical Rescue Team and served as its Operations Officer; helped to develop the Central Virginia Technical Rescue Task Force and the Central Virginia Technical Rescue Team; served as a member of the FEMA Virginia Task Force 2 Urban Search and Rescue Team; and has provided expert testimony to the Virginia Legislature regarding the need for search and rescue-related equipment; and

WHEREAS, Captain Rice has performed both in the role of Acting Battalion Chief whenever requested to do so during his assignment to "B" shift; and

WHEREAS, Captain Rice was recognized for a life save award issued January 21, 1982, and in 1991 with an Emergency Medical Services Award, nominated by the Fire Department for his actions resulting in saving lives; and

WHEREAS, Captain Rice is recognized as an effective team member at emergency scenes including several rescue-related calls, and was a critical part of the successful rescue of a Chesterfield Police Officer whose vehicle was struck while conducting a traffic stop, as well as numerous other technically challenging rescues.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes the contributions of Captain Willie E. Rice, Jr., expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Captain Rice and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. Warren presented the executed resolution to Mr. Rice, accompanied by members of his family and Chief Elswick, expressed appreciation for his dedicated service and wished him well in his retirement.

Mr. Ramsey presented Mr. Rice with a Jefferson Cup and offered best wishes for a long and happy retirement.

Chief Elswick presented Mr. Rice with a shadowbox containing his badges.

5.B. RECOGNIZING AUGUST 3, 2003, AS "NATIONAL KIDSDAY" IN CHESTERFIELD COUNTY

Ms. Ruth introduced Ms. Mary McRoberts, Executive Director of the Boys and Girls Clubs of Chesterfield County and several club members who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the children of Chesterfield County are the foundation upon which our future successes will be built; and

WHEREAS, children need parents, mentors and friends to aid them in reaching important goals; and

WHEREAS, families and communities play vital roles in helping children to develop a positive self-image, a sense of belonging and a sense of competence; and

WHEREAS, "National KidsDay" is a special day set aside each year on the first Sunday of August to encourage and remind adults that the meaningful time they share with children is important to these young peoples' development; and

WHEREAS, the National KidsDay Alliance, comprised of Boys and Girls Clubs of America, the Boys and Girls Clubs of Chesterfield County and KidsPeace-The National Center for Kids Overcoming Crisis, together reach millions of youths via their services and community involvement; and

WHEREAS, The Boys and Girls Clubs of Chesterfield County will host the third annual "National KidsDay" for the Metropolitan Richmond region; and

WHEREAS, "National KidsDay" emphasizes the importance of meaningful time spent with kids on this day and every day; and

WHEREAS, the National KidsDay Alliance is working to establish National KidsDay on the national calendar; and

WHEREAS, it is important for all Chesterfield County residents to support such positive programs for our young people.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield Board of Supervisors, this 23rd day July 2003, publicly recognizes August 3, 2003 as "National KidsDay" in Chesterfield County, and encourages all Chesterfield County residents to join in recognizing and commending the National KidsDay Alliance organizations for their efforts to improve the lives of children and young adults in our communities.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. Warren presented the executed resolution to Ms. McRoberts, accompanied by members of the Boys and Girls Club Advisory Board and Boys and Girls Club members, and commended her on the efforts of the Boys and Girls Clubs in improving the lives of our youth.

Ms. McRoberts invited the public to attend the "National KidsDay" celebration on August 3, 2003 at The Boulders.

**5.C. RECOGNIZING MRS. PAULINE Y. JONES, CHESTERFIELD
EMPLOYEES FEDERAL CREDIT UNION, UPON HER RETIREMENT**

Mr. Kirk Turner, President of the Chesterfield Employees Federal Credit Union Board of Directors, introduced Mrs. Pauline Jones who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mrs. Pauline Y. Jones began her career with the Chesterfield Employees Federal Credit Union in November 1976 as an account clerk; and

WHEREAS, Mrs. Jones was soon promoted to serve in delinquency control and later to the position of loan officer; and

WHEREAS, earning the position of loan supervisor, Mrs. Jones has assisted thousands of members with their financial needs; and

WHEREAS, most recently, Mrs. Jones has assisted with marketing the Credit Union to new employees; and

WHEREAS, Mrs. Jones has also assisted in area schools, giving presentations related to money management to our young people; and

WHEREAS, in every position, Mrs. Jones has served with a passion for helping members, and her friendly and compassionate spirit has been an example for others to follow; and

WHEREAS, Mrs. Jones will retire from the Credit Union on August 1, 2003; and

WHEREAS, Mrs. Jones will be tremendously missed for the quality and caliber of her commitment to the success of the Chesterfield Employees Federal Credit Union and its membership.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes the contributions of Mrs. Pauline Y. Jones, and extends its appreciation for her dedicated service to the Chesterfield Employees Federal Credit Union, congratulations upon her retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mrs. Jones, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. Warren presented the executed resolution to Mrs. Jones, accompanied by members of her family, Mr. Ramsey and Mr. Turner, and expressed appreciation for her dedicated service to the members of the Chesterfield Employees Federal Credit Union.

Mr. Ramsey offered Mrs. Jones best wishes for a long and happy retirement.

Mrs. Jones stated it has been a pleasure to work with the members of the Credit Union over the years.

5.D. RECOGNIZING MR. JOHN A. GIBNEY, JR. FOR HIS CONTRIBUTIONS TO THE COMMITTEE ON THE FUTURE

Mrs. Mary Kruse introduced Mr. John Gibney who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Committee on the Future was established in 1987 by the Board of Supervisors and the County Charter for the purpose of assessing the future and long range challenges which the county will face, advising the Board of Supervisors, and making recommendations to lessen any adverse effect on the county of future changes; and

WHEREAS, Mr. John A. Gibney, Jr. was appointed as a member of the committee in 1996 and has served the citizens of the Midlothian District with distinction; and

WHEREAS, Mr. Gibney served as Chairman of the committee from January 2000 through January 2003; and

WHEREAS, the committee prepared the county's "Economic Development" strategic plan which made specific recommendations in the areas of strengthening the county's workforce, planning for growth and development, and preparing for the residents' needs and their impact on economic development; and

WHEREAS, the committee created the "Neighborhood Preservation" report which developed strategies to strengthen county communities by offering recommendations related to community organizations, neighborhood schools, community safety, crime prevention, and the maintenance, rehabilitation, and design of public and private facilities; and

WHEREAS, the committee prepared the "Youth Development" report which created recommendations to maximize the opportunity for Chesterfield County youth to become engaged contributors within their communities through community, church, and private organizations, volunteerism, and school involvement; and

WHEREAS, the committee prepared the "Aging of the Population" report in 2002 which recognized the opportunities created by the growing population of senior citizens, acknowledged the collective community obligation to meet seniors' needs, and offered suggestions that address the needs and opportunities of senior citizens in the areas of

health, information services, mobility, education, social and leisure time, finances and housing.

WHEREAS, Mr. Gibney served as Chairman of the committee during the development of the "Aging of the Population" report; and

WHEREAS, Mr. Gibney has dedicated countless hours dedicated to the Committee during the past eight years.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes Mr. John A. Gibney, Jr., and commends him for his dedication and outstanding service to the Committee on the Future and to the citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mr. Gibney and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. Barber presented the executed resolution to Mr. Gibney and expressed appreciation for his contributions to the Committee on the Future.

Mr. Gibney expressed appreciation to the Board for the opportunity to serve the county.

5.E. RECOGNIZING URBAN LAND INSTITUTE RICHMOND, TECHNICAL ASSISTANCE PANEL FOR THEIR STUDY AND RECOMMENDATIONS ON THE CLOVERLEAF MALL SITE

Mr. Jacobson introduced members of the Urban Land Institute Richmond, Technical Assistance Panel who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the future of Cloverleaf Mall is a significant issue for the surrounding community, Chesterfield County, and the entire metropolitan region; and

WHEREAS, the Urban Land Institute (ULI) is a renowned non-profit international organization of development professionals; and

WHEREAS, ULI Richmond is an active District Council of the Urban Land Institute within Central Virginia that provides an educational forum for public and private development professionals; and

WHEREAS, ULI Richmond, under the leadership of Mr. David M. Smith, organized a Technical Assistance Panel to advise Chesterfield County on market and development issues for Cloverleaf Mall and the surrounding property; and

WHEREAS, the Technical Assistance Panel was composed of leading real estate and development experts in Virginia, consisting of the following talented professionals: Ms. Jill C. Crews, Director of Corporate Marketing, HH Hunt; Mr.

Benjamin B. Cummings Jr., Principal in Millennium Retail Partners, LLC and Cummings Real Estate Advisory Services, LLC; Mr. Gerald S. Divaris, Chairman and Chief Executive Officer of Divaris Real Estate; Mr. Gary W. Fenchuk, President, East-West Partners of Virginia, Inc.; Mr. Thomas E. Flynn, P.E., PTOE, Transportation Team Leader, Draper Aden Associates; Mr. Ralph B. Higgins, Senior Principal, Higgins and Gerstenmaier, Landscape Architects and Land Planners, Richmond, Virginia; Mr. Alan Lingerfelt, Senior Vice President, Liberty Property Trust; Mr. David M. Smith, First Vice President, Thalhimer, a Cushman and Wakefield Alliance; and Mr. Clement "Kim" Tingley, President, The Easy Living Corporation and Tingley Construction Company.

WHEREAS, the members of the Technical Assistance Panel volunteered their time and talent to the benefit of the citizens of Chesterfield County at no cost; and

WHEREAS, the panel reviewed market and planning studies, conducted original research, presented a market and development assessment, and a recommended redevelopment strategy for the Cloverleaf Mall area site; and

WHEREAS, the panel verbally presented their findings to Chesterfield County officials and prepared a written report, Review of Market and Development Issues and Recommended Redevelopment Strategy.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly recognizes the members of the Urban Land Institute Richmond Technical Assistance Panel and expresses appreciation for the hard work, analysis and professional advice from each panel member.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to the panel members, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. Barber presented executed resolutions to members of the panel and expressed appreciation for the expertise they provided in making recommendations for the future of Cloverleaf Mall.

6. WORK SESSIONS

O CLOVERLEAF MALL AREA STUDY

Mr. Jacobson introduced Mr. Dave Smith, Chairman of the Urban Land Institute (ULI) Richmond Technical Assistance Panel to summarize their recommendations.

Mr. Smith stated consumers have demonstrated an outward migration in their shopping patterns and Cloverleaf Mall, therefore, is no longer a viable regional retail hub. He further stated the panel is recommending a residentially based mix-use master plan community with flexibility to include a variety of uses each from residential, retail, light industrial, office, special use and public use. He summarized the strategy for the development, including

identifying obstacles and stated the panel recommends a request for proposal format to nationally search for a qualified developer.

Mr. Warren expressed appreciation to Mr. Smith and members of the panel for the excellent report.

Mr. Howard Cone with The Chesapeake Group stated the critical next step is to locate a master developer with a great deal of experience in quality mixed-used development and with the fiscal capacity to implement the project. He stressed the importance of the county being proactively involved in the redevelopment process.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. REQUEST TO THE SCHOOL BOARD TO CONSIDER A REFERENDUM ON NOVEMBER 4, 2003 TO ISSUE GENERAL OBLIGATION BONDS FOR SCHOOL CONSTRUCTION

Mr. Micas stated that on June 4, 2003, the School Board accepted for consideration a public/private educational facilities proposal that would construct two new high schools and convert Clover Hill High School to a middle school, and the Board adopted a resolution in support of the School Board's consideration of the proposal. He further stated, since that time, additional proposals have also been submitted. He stated Mr. McHale has requested that the Board request the School Board to ask the Board of Supervisors to place a question on the November 4, 2003 ballot on whether to issue general obligation bonds for the purpose of financing the three school projects.

Mr. McHale stated he feels the proposed school projects are very important to sustaining the county's quality of education. He expressed concerns relative to borrowing \$100 million without asking for approval from the voters. He stated borrowing money to finance the Public-Private Education Facilities and Infrastructure Act (PPEA) takes the public out of the loop and he feels it sets a bad precedent. He further stated plans are already underway for a 2004 bond referendum for additional school projects and a wide range of other general county projects in the Capital Improvements Program, and expressed concerns that if the public is left out of the financing of the proposed PPEA school projects, they might not support the 2004 bond projects. He stated the Board and the School Board have the obligation to prove to the public that these are worthwhile projects, and he feels the necessary action should be taken to schedule a referendum for November 4, 2003.

Mr. Warren recognized Dr. Cannaday and Ms. Beth Davis who were present at the meeting.

Ms. Davis came forward and stated the PPEA funding made available by the General Assembly in 2002 affords the School Board flexibility in designing, constructing and funding new

schools. She further stated a comprehensive agreement with the private sector under the PPEA allows the School Board to maintain the quality and standards of other more traditional construction projects at a similar cost, but with significant advantages of reducing the overall time for completing the critical projects. She stated the School Board adopted procedures for the PPEA in April 2003 and held several community input sessions in the Clover Hill and Matoaca Districts to discuss overcrowded conditions at Clover Hill High School. She further stated the community expressed a desire to construct two new high schools rather than one large high school that had been suggested. She stated no one expressed any opposition to building the two high schools and converting Clover Hill High School to a middle school. She further stated the School Board is confident of the community support for the proposed projects, noting that a sense of urgency exists because the schools in the vicinity are operating at or above capacity. She stated use of the PPEA funding approach will reduce construction time for the new high schools by as much as two years, and the School Board feels use of PPEA funding shows fiscal responsibility. She further stated the funding approach is structured to align the priorities in the current Capital Improvement Plan already adopted by the Board and the School Board, and would allow the county to take advantage of historically low interest rates.

Discussion ensued relative to funding sources that have been used in the past for construction and renovation of schools.

When asked, Mr. Ramsey stated all of the funding sources are treated as debt under the county's policy.

Mr. Miller expressed concerns that the taxpayers are always responsible for retirement of debt incurred by the county.

Mr. McHale stated he does not feel the General Assembly intended to circumvent the public process through PPEA projects. He further stated public participation in the PPEA discussion process and a public vote on incurring debt are entirely different, and he feels a public vote would provide a clear endorsement from the citizens that PPEA general obligation debt funding of the projects is the right way to go. He stated he feels very strongly that a referendum for the funding is likely to pass and would give elected officials the opportunity to tell the public why the projects are so important and encourage their support. He further stated he feels it is in the best interest to trust the public, let them participate in the process, and resoundingly approve the funding approach.

Mr. Miller stated he has no doubt that the schools are necessary, but feels the public should be allowed as much input as possible. He further stated, although he feels a bond referendum would be approved, he does not feel it is a risk worth taking to bypass public input on funding of the proposed school projects.

Mr. McHale made a motion, seconded by Mr. Miller, for the Board to approve requesting the School Board to ask the Board of Supervisors to place a question on the November 4, 2003 ballot on whether to issue general obligation bonds to pay

for the cost of constructing two new high schools and converting Clover Hill High School into a middle school.

Mr. Warren stated he will not support Mr. McHale's motion because the School Board unanimously supports the funding proposal, the funding concept was provided by the General Assembly to give counties more options, and he feels the public has already had input and indicated support of the projects.

Mrs. Humphrey stated she agrees with Mr. Warren and feels the public has been fully informed. She further stated Matoaca residents want the high schools fast-tracked and the middle school situation solved, and she will not support a bond referendum for the funding proposal for the school projects.

Mr. Barber stated that although there were no projects in the Midlothian District in the last bond referendum, the residents approved the bond issue in greater numbers than any of the other four districts. He further stated he has heard from Midlothian District residents about capacity issues, and the proposed projects would ultimately provide some relief and have a positive impact on Midlothian District schools. He stated he feels comfortable supporting the School Board's effort to get the projects done more quickly through the Public Private Education Act. He further stated the Board is not prepared for a referendum in November, and he feels it would be worse to go into a referendum unprepared than not having one at all.

Mr. Miller stated he feels the public could be briefed in a short period of time and would be prepared to vote in a bond referendum in November 2003.

Mr. Warren called for a vote on the motion of Mr. McHale, seconded by Mr. Miller, for the Board to approve requesting the School Board to ask the Board of Supervisors to place a question on the November 4, 2003 ballot on whether to issue general obligation bonds to pay for the cost of constructing two new high schools and converting Clover Hill High School into a middle school.

Ayes: McHale and Miller.

Nays: Warren, Barber and Humphrey.

Mr. McHale's motion failed.

Ms. Davis stated the School Board will meet on July 25, 2003 to consider the proposals and decide which ones will move on to the more detailed phase. She further stated detailed proposals are due August 21, 2003; the review team will analyze the proposals according to set criteria; and the School Board will take action to enter into a comprehensive agreement with an offer for the design, financing and construction of the two new high schools, or take action to reject all proposals and proceed in a traditional design-build method on August 25, 2003. She stated the Board of Supervisors and the Planning Commission will be constantly updated during the process.

Mr. Miller excused himself from the meeting.

8.B. APPOINTMENTS

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Arts and Cultural Funding Consortium, Community Criminal Justice Board, Youth Services Citizen Board and Health Center Commission.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.1. CHESTERFIELD EMERGENCY PLANNING COMMITTEE

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board nominated the following people to serve on the Chesterfield Emergency Planning Committee, who will be appointed by the Governor:

Capt. Daniel W. Kelly, Chesterfield Police Department
Mr. Michael D. Barnett, Honeywell
Mr. David R. Zimmerman, Philip Morris
Mr. Gordon D. Slifer, Fort Lee
Mr. John E. Maloon, Jr., DuPont

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.2. ARTS AND CULTURAL FUNDING CONSORTIUM

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board simultaneously nominated/appointed Ms. Beverly Perdue Jennings to serve as an at-large member on the Arts and Cultural Funding Consortium, whose term is effective immediately and expires December 31, 2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.B.3. COMMUNITY CRIMINAL JUSTICE BOARD

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board simultaneously nominated/reappointed The Honorable Jerry Hendrick, Jr., The Honorable Philip V. Daffron, Mr. Michael W. Lee, Ms. Jane Ogletree, Ms. Elvira Shaw, Mr. Bradford S. Hammer, Mr. William W. Bradham, Jr., Sheriff Clarence G. Williams, Jr., Dr. John Morgan and Mr. Gregory D. Carr to serve on the Community Criminal Justice Board, whose terms are effective July 1, 2003 and expire June 30, 2005.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.B.4. YOUTH SERVICES CITIZEN BOARD

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board simultaneously nominated/appointed/reappointed the following youth members to serve on the Youth Services Citizen Board,

whose terms are effective July 1, 2003 and expire June 30, 2004:

<u>Member</u>	<u>District</u>
Ms. Jessica Mears	Bermuda
Mr. Marcus Childress	Bermuda
Ms. Anne Harrison	Clover Hill
Ms. Virginia Fuller	Clover Hill
Mr. James Dunford	Clover Hill
Ms. Toral Gandhi	Clover Hill
Ms. Meghan Folster	Matoaca
Mr. Joe Gayk	Matoaca
Mr. Devan Vaughan	Matoaca
Ms. Ashley Smith	Dale
Ms. Kathryn Greenly	Dale
Mr. George Tarasidis	Midlothian
Ms. Mary Conkright	Midlothian
Ms. Jennifer Barlow	Midlothian
Ms. Molly Dawes	Midlothian

And, further, the Board simultaneously nominated/reappointed Ms. Vikki Barth, adult member to serve on the Youth Services Citizen Board, whose term is effective July 1, 2003 and expires June 30, 2006.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.B.5. HEALTH CENTER COMMISSION

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board simultaneously nominated/appointed/reappointed Ms. Carol B. Conroy, representing the Dale District, and Ms. Patricia Conley, representing the Matoaca District, to serve on the Health Center Commission, whose terms are effective July 1, 2003 and expire June 30, 2007.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C. CONSENT ITEMS

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board removed the following items from the Consent Agenda for public comment: Item 8.C.6., Transfer of Funds from the Reserve for Future Capital Projects for the Recruitment Phase of the Cloverleaf Mall Area Study; Item 8.C.7., Refer to Planning Commission the Zoning Ordinance Amendment Relative to Signs Within Road Rights of Way; Item 8.C.21.c., Transfer of District Improvement Funds from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds to the Chesterfield County Parks and Recreation Department to Erect a Volunteer Monument in Each Magisterial District; Item 8.C.21.d., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Police Department to Pay for the Cost of Police Coverage for the Chester Kiwanis Club Celtic Heritage Festival; and Item 8.C.24., Request to Aid the Crowder Trust in the Acquisition of Offsite Sewer and Temporary Construction Easements.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.1. ADOPTION OF RESOLUTIONS

**8.C.1.a. RECOGNIZING JUDITH P. SMITH, UTILITIES DEPARTMENT,
UPON HER RETIREMENT**

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, Mrs. Judith P. Smith will retire from the Chesterfield County Department of Utilities on July 31, 2003; and

WHEREAS, Mrs. Smith began her public service with Chesterfield County in 1985 in the Planning Department as a clerical aide and served as the first receptionist in the department after being recruited from a doctors office by the county; and

WHEREAS, Mrs. Smith was promoted to a senior clerical aide on her first evaluation after six months of employment and also promoted to supervisor of Cooperative Education students in the department, hiring high school students who would eventually become full time employees of the county; and

WHEREAS, Mrs. Smith was promoted to supervisor of front counter functions in the Planning Department; and

WHEREAS, Mrs. Smith was hired by the Utilities Department in 1989 as a customer service representative; and

WHEREAS, Mrs. Smith was awarded Employee of The Year in 1998 for the Department of Utilities; and

WHEREAS, Mrs. Smith notified customers with high consumption to alert them of possible leaks or problems on their property and was instrumental in assisting thousands of customers throughout her career with regards to water/wastewater service; and

WHEREAS, Mrs. Smith has been a loyal friend to many, a loving wife, mother, grandmother, and a devoted employee, whose sense of compassion exceeds the highest level of human expectations that all county employees should strive to obtain.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Judith P. Smith, expresses the appreciation of all residents for her 18 years of service to Chesterfield County, and extends appreciation for her dedicated service to the county and congratulations upon her retirement, as well as best wishes for a long and happy retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.1.b. RECOGNIZING MR. RICK LEE MAXWELL UPON ATTAINING THE
RANK OF EAGLE SCOUT**

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Rick Lee Maxwell, Troop 886, sponsored by Trinity United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Rick has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes Mr. Rick Lee Maxwell, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.c. RECOGNIZING MR. JAMES R. BAILEY FOR SUPERIOR PUBLIC SERVICE

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, Chesterfield County has as one of its eight strategic goals, "To be the safest and most secure community compared to similar jurisdictions"; and

WHEREAS, Chesterfield County's efforts to achieve this goal are greatly aided by the selfless and dedicated men and women who volunteer their time to work alongside the county's paid public safety staff; and

WHEREAS, Mr. James R. Bailey joined the Manchester Volunteer Rescue Squad on November 21, 1969; and

WHEREAS, Mr. Bailey was a student in the first Emergency Medical Technician class held at the Manchester Rescue Squad, and completed his EMT training in June of 1972; and

WHEREAS, Mr. Bailey earned his Cardiac Technician Certification on July 21, 1983, and held this certification for three years; and

WHEREAS, Mr. Bailey still maintains his EMT basic certification, and has several instructor certifications, including Basic and Light Duty Rescue Instructor; Emergency Vehicle Operators Course Instructor; Vehicle Extrication

Instructor and Hazardous Materials First Responder Instructor; and

WHEREAS, Mr. Bailey has served as Assistant Crew Leader; Crew Leader; Treasurer; President and Board of Directors member at the Manchester Volunteer Rescue Squad; and

WHEREAS, Mr. Bailey was inducted into the Chesterfield Senior Hall of Fame in 1997 in recognition of his dedicated service to the residents of Chesterfield County; and

WHEREAS, Mr. Bailey was an active riding member of the squad until June of 2003, and is a life member who remains active through teaching classes in his areas of certification; and

WHEREAS, Mr. Bailey's work on behalf of the citizens of Virginia has made the Commonwealth of Virginia, and Chesterfield County, safer for all who live, work and visit here; and

WHEREAS, it is fitting to recognize such dedication and commitment to serving others.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the superior public service of Mr. James R. Bailey, and extends, on behalf of the citizens of Chesterfield County, its appreciation for his sustained and selfless service to others, and wishes him continued success in all his endeavors.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.1.d. RECOGNIZING AUGUST 1-7, 2003, AS "INTERNATIONAL CLOWN WEEK"

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, life brings to all of us a mixture of stormy days and sunny days, happy times and sad times; and

WHEREAS, among the individuals who are committed to bringing people more sunny days and happy times are those men and women who have pledged themselves to the art of clowning; and

WHEREAS, the contributions of clowns and the wholesome entertainment they provide to society were recognized by a presidential proclamation establishing National Clown Week in August of 1971; and

WHEREAS, clowns have visited hospitals, nursing homes, orphanages and many other locations, bringing smiles and happiness to countless people; and

WHEREAS, millions of children of all ages have attended circus performances featuring clowns and their art; and

WHEREAS, we should never become so serious that we fail to recognize the importance of merriment and humor in our lives; and

WHEREAS, each of us owes a happy memory, a smile or a laugh we have enjoyed to the antics of a clown; and

WHEREAS, during August of this year, clowns in Virginia and across America will be participating in special activities celebrating their love of clowning.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, recognizes the important role that clowns play in bringing smiles, hope and joy to millions of people all across the globe, including here in Virginia, and expresses its appreciation to the men and women who have chosen this art form as a means of expression.

AND, FURTHER, this Board of Supervisors extends to all those involved in clowning best wishes for continued success in the pursuit of their craft.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.1.e. RECOGNIZING FIREFIGHTER MALCOLM T. WOMACK,
CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES
DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, Firefighter Malcolm T. "Mack" Womack will retire from the Chesterfield Fire and Emergency Medical Services Department, Chesterfield County, on August 1, 2003; and

WHEREAS, Firefighter Womack served at the Bon Air Fire Station as a day-time Firefighter from August 1978 until starting Recruit School #9 in November 1978, and has faithfully served the county for twenty-five years in various assignments as a Firefighter at the Airport, Bon Air, Chester, Dale, Ettrick, and Manchester Fire and EMS Stations; and

WHEREAS, Firefighter Womack ran the first call for service handled by the Airport Station and performed admirably at a very stressful incident, which involved a vehicle accident with entrapment involving a firefighter-staffed ambulance; and

WHEREAS, Firefighter Womack was one of the original members of the Chesterfield Fire and Emergency Medical Services Department's Hazardous Materials Team, first serving as the secretary and then as the "C" Shift Team Leader, where he was a valued and respected member until his retirement; and

WHEREAS, Firefighter Womack finished his career at the Eanes-Pittman Public Safety Training Center, serving as a Terrorism Preparedness Coordinator.

NOW, THEREFORE IT BE RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of

Firefighter Malcolm T. Womack, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.1.f. REGARDING REFINANCING OF APPOMATTOX RIVER WATER AUTHORITY BONDS

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, the Appomattox River Water Authority "ARWA" has informed the Board of Supervisors of the County of Chesterfield, Virginia (the "Board") that the Authority intends to issue in July or August of 2003 up to \$10,000,000 in revenue bonds (the "Refunding Bonds") to refund or restructure ARWA's outstanding Water Revenue Refunding Bonds, Series 1993; and

WHEREAS, ARWA has further informed the Board that ARWA intends to designate the Refunding Bonds as "qualified tax-exempt obligations" under Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), to encourage commercial banks and similar financial institutions to purchase the Refunding Bonds; and

WHEREAS, ARWA is authorized to issue additional bonds ("Additional Bonds," and, together with the Refunding Bonds, the "Bonds") from time to time hereafter for the purpose of paying the whole or any part of the "cost" of ARWA's "water system," as such terms are defined in the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2, Code of Virginia of 1950, as amended, and to refund any Bonds outstanding and issued by ARWA under the Act; and

WHEREAS, the Board has been advised by Bond Counsel to ARWA that if the Board does not take the action evidenced by this Resolution, which is authorized under Section 265(b)(3)(C)(iii) of the Code, the County of Chesterfield Virginia (the "County") and each of ARWA's other member jurisdictions each may have to take into account the full principal amount of any Bonds in determining whether it is eligible to issue qualified tax-exempt obligations in calendar year 2003 and future calendar years.

WHEREAS, Bond Counsel of ARWA has advised that the allocation set forth in this Resolution satisfies the requirements of Section 265(b)(3)(C)(iii) of the Code for the Refunding Bonds and should satisfy the requirements for most Additional Bonds issued by ARWA, although ARWA's service agreement with its member jurisdictions allows for member jurisdictions to "opt out" of paying their shares of debt service on Bonds if (among other things) cash is deposited with ARWA and for varying allocations of the member jurisdictions' respective payment obligations for any particular issue of Bonds depending on the purpose of the Bonds; in such cases, the allocation set for below may need to be adjusted with respect to certain issues of Additional Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board irrevocably agrees that the principal amount of the Refunding Bonds are, unless otherwise provided by subsequent resolution, the principal amount of any Additional bonds issued by ARWA will be allocated for purposes of Section (265(b)(3)(C) of the Code to ARWA's member jurisdictions on the basis of the allocations of the capacity of ARWA's water treatment plant, which will result in the principal amount of such Bonds being allocated as follows:

Chesterfield County -----	64.32%
City of Petersburg -----	29.69%
City of Colonial Heights ----	2.97%
Dinwiddie County -----	1.98%
Prince George County -----	1.04%

2. The Board finds that the allocation for the County set forth in paragraph 1 bears a reasonable relationship to the benefits expected to be received by the County from the issuance of the Refunding Bonds and, unless otherwise provided by subsequent resolution, the issuance of all Additional Bonds by ARWA.

3. This Resolution will take effective immediately.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.2. REQUEST FOR A PERMIT TO STAGE A FIREWORKS DISPLAY AT WOODLAKE PAVILION/AMPHITHEATER

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved a request from Cindy McVey of the Woodlake Community Association for a permit to stage a fireworks display at the Woodlake Pavilion/Amphitheater on August 30, 2003 with a rain date of August 31, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.3. AWARD OF CONSTRUCTION CONTRACTS

8.C.3.a. TO A. D. WHITTAKER CONSTRUCTION, INCORPORATED FOR THE 154-BED REPLACEMENT JAIL

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the County Administrator to execute a construction contract in the amount of \$19,016,350 for the construction of the 154-bed replacement jail to A. D. Whittaker Construction, Incorporated.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.3.b. TO CHN CONSTRUCTION COMPANY FOR EXPANSION OF THE
ROCKWOOD PARK NATURE CENTER BUILDING PROJECT**

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the County Administrator to execute a contract with CHN Construction Company in the amount of \$222,222 and transferred \$50,000 from Park Improvement funds for expansion of the Rockwood Park Nature Center Building.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.3.c. TO GODSEY AND SONS FOR THE RIVER ROAD WATERLINE
REHABILITATION PROJECT**

On motion of Mr. McHale, seconded by Mr. Barber, the Board awarded a construction contract in the amount of \$663,819.80 to Godsey and Sons for County Project #01-0201, River Road Waterline Rehabilitation, and authorized the County Administrator to execute the necessary documents.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.3.d. TO ICON SIGN AND LIGHTING FOR MULTI-PURPOSE YOUTH
SPORTS FIELD LIGHTING AT ALBERTA SMITH ELEMENTARY
SCHOOL, CLOVER HILL ATHLETIC COMPLEX AND MIDLOTHIAN
HIGH SCHOOL ATHLETIC COMPLEX**

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the County Administrator to execute a construction contract in the amount of \$269,156 with Icon Sign and Lighting for sports field lighting at Alberta Smith Elementary School, Clover Hill Athletic Complex and Midlothian High School Athletic Complex.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.4. SET DATES FOR PUBLIC HEARINGS

**8.C.4.a. TO CONSIDER CHANGES TO THE COUNTY CODE TO ALLOW THE
COUNTY TO COLLECT A FEE TO HELP DEFRAY THE COST OF
OPERATING THE COUNTY'S POLICE AND SHERIFF TRAINING
ACADEMIES**

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of August 27, 2003 at 7:00 p.m. for a public hearing to consider adoption of an ordinance to allow the county to collect a fee to help defray the cost of operating the county's Police and Sheriff Training Academies.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.4.b. TO CONSIDER REVISIONS TO THE FY2004 SCHOOL CAPITAL
IMPROVEMENT FUND APPROPRIATIONS**

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of August 27, 2003 for a public hearing to

consider increasing the School Capital Improvements Fund by \$550,000 transferring of \$7,470,700 from the Reserve for School Capital Improvements to the School Capital Improvements Fund for the FY2004 School construction program.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.4.c. TO CONSIDER CHANGES TO THE COUNTY'S ORDINANCES
RELATING TO UNLAWFUL CONDITIONS OF TRASH, GARBAGE,
WEEDS AND GRASS**

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of August 27, 2003 at 7:00 p.m. for a public hearing to consider ordinance amendments relative to civil and criminal penalties for violations of county ordinances regarding unlawful conditions of trash, garbage, weeds and grass.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.4.d. TO CONSIDER THE REVISION OF THE COUNTY'S EMERGENCY
RESPONSE COST RECOVERY ORDINANCE TO ALLOW THE
COUNTY TO RECOVER EXPENSES FOR ADDITIONAL OFFENSES**

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of August 27, 2003 at 7:00 p.m. for a public hearing to consider revising the county's emergency response cost recovery ordinance to allow the county to recover expenses for additional offenses involving reckless driving, driving without a license, or improperly leaving the scene of an accident.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.4.e. TO CONSIDER THE ACCEPTANCE AND APPROPRIATION OF
PART C GRANT FUNDS FOR THE COMMUNITY SERVICES BOARD**

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of August 27, 2003 at 7:00 p.m. for a public hearing to consider acceptance and appropriation of \$524,260 in state and federal funds for the FY2004 Part C program of the Chesterfield Interagency Coordinating Council and Child Care Program.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.5. REQUEST FOR ENTERTAINMENT/MUSICAL FESTIVAL PERMIT
FROM THE CHESTERFIELD COUNTY FAIR ASSOCIATION**

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved a request from the Chesterfield County Fair Association for an entertainment/musical festival permit for the annual Chesterfield County Fair, subject to compliance with staff recommendations.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.8. ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS

8.C.8.a. FOR THE COMMUNITY SERVICES BOARD FOR THE PLANNING DISTRICT 14 INTERAGENCY COORDINATING COUNCIL

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted and appropriated \$402,206 in state and federal funds for the FY2004 Part C program for the Planning District 14 Interagency Coordinating Council, administered by the Chesterfield Community Services Board and coordinated by its Infant Program. (It is noted a temporary, full time position in the department of Mental Health, Mental Retardation and Substance Abuse will be created to assist in the management of the funds.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.8.b. FOR THE COMMONWEALTH'S ATTORNEY'S OFFICE OF FY2004 VIRGINIA EXILE GRANT FUNDS

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted and appropriated Virginia Project Exile grant funds from the Virginia Department of Criminal Justice Services, in the amount of \$113,839 (\$72,562 in federal funds and \$41,277 in local funds identified from appropriations in other areas), for FY2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.9. APPROVAL OF FY2004 CHESTERFIELD COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved the FY2004 Performance Contract between the Chesterfield Community Services Board and the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.10. APPROVAL OF A "FIRST AMENDMENT TO WATER AND WASTEWATER CONTRACT" WITH GRAY LAND AND DEVELOPMENT, LLC FOR WATER AND WASTEWATER CAPACITY FOR A RESIDENTIAL DEVELOPMENT IN POWHATAN COUNTY

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved the "First Amendment to Water and Wastewater Contract" with Gray Land and Development, LLC for water and wastewater capacity for a residential development in Powhatan County, in a form acceptable to the County Attorney, and authorized the County Administrator to execute the necessary documents.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.11. APPROVAL OF WATER CONTRACT FOR SALISBURY, SECTION I;
LOTS 14 AND 15, BLOCK C, SECTION A; AND LOTS 9 AND
10, BLOCK I, SECTION A

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved a water contract for Salisbury, Section I; Lots 14 and 15, Block C, Section A; and Lots 9 and 10, Block I, Section A, Contract Number 02-0363, which includes 500 L.F. \pm of additional 8-inch line work in Radstock Road:

Developer: G & H, Inc.
Contractor: RMC Contractors, Inc.
Contract Amount: Estimated County Cost for
Additional Work. \$11,750.00
Estimated Developer Cost . . . \$33,850.00
Estimated Total. \$45,600.00
Code: (Cash Refund - Additional Work) 5B-572WO-E4C
District: Midlothian

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.12. APPROVAL OF CHANGE ORDER TO CONTRACT WITH MOTOROLA,
INCORPORATED FOR PUBLIC SAFETY DATA COMMUNICATIONS
SYSTEM CONTRACT

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved Change Order Number 4 to the contract with Motorola, Incorporated for the Public Safety Data Communications System Contract.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.13. REQUESTS FOR PERMISSION

8.C.13.a. FROM WOODLAKE COMMUNITY ASSOCIATION, INCORPORATED
TO CONSTRUCT THE WOODLAKE AMPHITHEATER PROJECT
INCLUDING A FLOATING DOCK, BOAT SLIPS, WOODEN
DECK, STAIRS AND SUPPORTING STRUCTURES WITHIN A
SIXTEEN-FOOT SEWER EASEMENT AND IMPOUNDMENT
EASEMENT

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved a request from Woodlake Community Association, Incorporated for permission to construct the Woodlake Amphitheater Project including a floating dock, boat slips, wooden deck, stairs, and supporting structures within a 16-foot sewer easement and impoundment easement, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.13.b. FROM JEFFREY P. BRAY AND MICHELLE L. BRAY FOR A PROPOSED FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 38, LENOX FOREST AT RIVERDOWNS, SECTION 1

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved a request from Jeffrey P. Bray and Michelle L. Bray for permission for a proposed fence to encroach within a 16-foot drainage easement across Lot 38, Lenox Forest at Riverdowns, Section 1, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.13.c. FROM DR. STEVEN A. CASTRO TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON WEST HUNDRED ROAD

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved a request from Dr. Steven A. Castro for permission to install a private sewer service within a private easement to serve property at 2930 West Hundred Road, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.13.d. FROM CHRISTOPHER M. GRIFFIN TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON EAST RIVER ROAD

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved a request from Christopher M. Griffin to install a private sewer service within a private easement to serve property at 3306 East River Road, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.13.e. FROM SHAILENDRA G. PATEL AND SANGITA S. PATEL FOR A PROPOSED FENCE AND SHED TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT AND TEN-FOOT EASEMENT ACROSS LOT 8, KENTWOOD FOREST, SECTION 1

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved a request from Shailendra G. Patel and Sangita S. Patel for permission for a proposed fence and shed to encroach within a 16-foot drainage easement and 10-foot easement across Lot 8, Kentwood Forest, Section 1, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.14. ACCEPTANCE OF PARCELS OF LAND

8.C.14.a. FOR TRENTS BRIDGE ROAD AND EXTER MILL ROAD FROM ROBERT E. LEE COUNCIL, INCORPORATED, BOY SCOUTS OF AMERICA

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of a parcel of land containing 3.90 acres from Robert E. Lee Council, Incorporated, Boy Scouts of America, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.14.b. FOR THE EXTENSION OF DORTONWAY DRIVE FROM BELMONT, LLC

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of three parcels of land containing a total of 0.833 acres for the extension of Dortonway Drive from Belmont, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.14.c. ALONG THE NORTH RIGHT OF WAY LINE OF WILLIS ROAD FROM JAMES W. BLACKBURN, JR.

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of a parcel of land containing 0.025 acres along the north right of way line of Willis Road (State Route 613) from James W. Blackburn, Jr., and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.14.d. ADJACENT TO CLOVER HILL HIGH SCHOOL FROM MARIAN P. AND LINWOOD E. BOTTOMS

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of a parcel of land containing 0.22 acres adjacent to Clover Hill High School from Marian P. and Linwood E. Bottoms, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.14.e. FOR THE RELOCATION OF A PORTION OF CENTER POINTE PARKWAY FROM GC REAL ESTATE CORPORATION

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of a parcel of land containing 1.881 acres for the relocation of a portion of Center Pointe Parkway from GC Real Estate Corporation, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.14.f. FOR THE EXTENSION OF DORTONWAY DRIVE FROM GILLSGATE, L.L.C.

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of two parcels of land containing a total of 5.777 acres for the extension of Dortonway Drive from Gillsgate, L.L.C., and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.14.g. FOR THE EXTENSION OF MEMPHIS BOULEVARD FROM IGH, LLC

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of a parcel of land containing 0.514 acres from IGH, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.14.h. FOR THE EXTENSION OF HIGHLAND GLEN DRIVE AND EASTFAIR DRIVE FROM THE NASH ROAD/WOODPECKER ROAD, LLC

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of a parcel of land containing 4.56 acres for the extension of Highland Glen Drive and Eastfair Drive from The Nash Road/Woodpecker Road, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.14.i. ADJOINING CHARTER COLONY PARKWAY FROM BB HUNT, L.L.C.

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of three parcels of land containing a total of 0.423 acres adjoining Charter Colony Parkway (Route 950) from BB Hunt, L.L.C., and authorized the County

Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.15. REQUESTS TO QUITCLAIM

8.C.15.a. A PORTION OF A VARIABLE WIDTH VIRGINIA DEPARTMENT OF TRANSPORTATION SLOPE AND DRAINAGE EASEMENT

8.C.15.a.1. ACROSS THE PROPERTY OF BBV, L.C.

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a variable width Virginia Department of Transportation slope and drainage easement across the property of BBV, L.C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.15.a.2. ACROSS THE PROPERTY OF RIVER DOWNS, L.C.

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a variable width Virginia Department of Transportation slope and drainage easement across the property of River Downs, L.C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.15.b. A PORTION OF A SIXTEEN-FOOT SEWER EASEMENT ACROSS THE PROPERTY OF BI-STATE PROPERTIES

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot sewer easement across the property of Bi-State Properties. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.15.c. A PORTION OF A SIXTEEN-FOOT SEWER EASEMENT ACROSS THE PROPERTY OF HARBOURSIDE CENTRE, LLC

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot sewer easement across the property of Harbourside Centre, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.15.d. A PORTION OF A SIXTEEN-FOOT SEWER EASEMENT ACROSS
THE PROPERTY OF RALC PROPERTIES**

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot sewer easement across the property of Ralc Properties. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.16. AUTHORITY TO ENTER INTO PIPELINE CROSSING AGREEMENTS
WITH CSX TRANSPORTATION, INCORPORATED**

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the County Administrator to enter into Pipeline Crossing Agreements with CSX Transportation, Incorporated, subject to the approval of such agreements by the County Attorney.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.17. AUTHORIZATION TO EXERCISE EMINENT DOMAIN FOR THE
ACQUISITION OF EASEMENTS FOR THE RIVER ROAD
WATERLINE**

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the County Attorney to proceed with eminent domain and exercise immediate right of entry pursuant to Sections 15.2-1904 and 1905 of the Code of Virginia for the acquisition of easements for the River Road Waterline, and instructed the County Administrator to notify the owners by certified mail on July 24, 2003, of the county's intention to take possession of the easements. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.18. APPROVAL OF AMENDMENT TO LEASE AGREEMENT WITH
UKROP'S SUPERMARKETS AND RICHMOND KICKERS YOUTH
SOCCER CLUB FOR THE SOCCER FIELDS ADJACENT TO
UKROP'S SUPERMARKET AT CHIPPENHAM AND ROUTE 10**

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the County Administrator to execute a lease amendment with Ukrop's Supermarkets and Richmond Kickers Youth Soccer Club for the soccer fields adjacent to Ukrop's Supermarket at Chippenham and Route 10, in a form approved by the County Attorney. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.19. CONVEYANCE OF AN EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY FOR INSTALLATION OF UNDERGROUND CABLE TO SERVE THE CHESTERFIELD COUNTY JAIL RENOVATION PROJECT

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable to serve the Chesterfield County Jail renovation project. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.20. CONSIDERATION OF CHESTERFIELD COUNTY'S SUPPLEMENTAL RETIREMENT PLAN (CCSRP) AMENDMENT NUMBER ONE

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved Amendment Number One to the Chesterfield County Supplemental Retirement Plan.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.21. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.C.21.a. FROM THE DALE DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO PURCHASE A STORAGE SHED FOR ATHLETIC EQUIPMENT AT JACOBS ELEMENTARY SCHOOL ATHLETIC COMPLEX

On motion of Mr. McHale, seconded by Mr. Barber, the Board transferred \$5,000 from the Dale District Improvement Fund to the Parks and Recreation Department to purchase a storage shed for athletic equipment at Jacobs Elementary School Athletic Complex.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.21.b. FROM THE CLOVER HILL DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO ASSIST IN THE BUILDING OF A WEIGHT ROOM AND TO PURCHASE WEIGHT ROOM SUPPLIES FOR MANCHESTER HIGH SCHOOL

On motion of Mr. McHale, seconded by Mr. Barber, the Board transferred \$4,000 from the Clover Hill District Improvement Fund to the School Board to assist in the building of a weight room and to purchase weight room supplies for Manchester High School.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.22. DESIGNATION OF CURRENT BALANCES AND APPROVAL OF FY2004-FY2006 CMAQ AND STP PROJECT DEVELOPMENT SCHEDULES

Mr. McHale stated, although he does not support diversion of funds to the LINK, he does support the other projects and therefore will support the request.

Mr. Miller stated he concurs with Mr. McHale.

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved designations of current balances and the FY2004-FY2006 Congestion Mitigation/Air Quality (CMAQ) and Surface Transportation Program (STP) Project Development Schedules.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.23. TRANSFER FUNDS FOR SOUTHLAKE BOULEVARD TURN LANE AT MIDLOTHIAN TURNPIKE

On motion of Mr. McHale, seconded by Mr. Barber, the Board transferred \$50,000 from the General Road Improvement Account for the construction of a turn lane on Southlake Boulevard at Midlothian Turnpike.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

The following items were removed from the Consent Agenda for public comment:

8.C.6. TRANSFER OF FUNDS FROM THE RESERVE FOR FUTURE CAPITAL PROJECTS FOR THE RECRUITMENT PHASE OF THE CLOVERLEAF MALL AREA STUDY

Mr. George Beadles offered various suggestions for developing the Cloverleaf Mall Area and stated it will be an interesting project to watch.

No one else came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board transferred \$44,000 from the Reserve for Future Capital Projects to the Planning Department to cover the costs of the nationwide recruitment of a developer for the Cloverleaf Mall area.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.7. REFER TO PLANNING COMMISSION THE ZONING ORDINANCE AMENDMENT RELATIVE TO SIGNS WITHIN ROAD RIGHTS OF WAY

Mr. George Beadles stated he supports the proposed amendment.

No one else came forward to speak to the issue.

Mr. Barber inquired whether the proposed ordinance would apply to church banners.

Mr. Jacobson stated the ordinance applies to all permanent freestanding signs and their location relative to the public right of way.

On motion of Mr. McHale, seconded by Mr. Barber, the Board referred a zoning ordinance amendment relative to signs

within road rights of way to the Planning Commission for public hearing and recommendation.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.21.c. FROM THE BERMUDA, CLOVER HILL, DALE, MATOACA AND MIDLOTHIAN DISTRICT IMPROVEMENT FUNDS TO THE CHESTERFIELD COUNTY PARKS AND RECREATION DEPARTMENT TO ERECT A VOLUNTEER MONUMENT IN EACH MAGISTERIAL DISTRICT

Mr. George Beadles stated he feels this is a waste of money and most volunteers would rather have the funds donated to the program they volunteer for.

No one else came forward to speak to the issue.

Mrs. Humphrey expressed concerns relative to limiting the recognition to volunteers of the county's public recreation program and inquired whether the monuments could also recognize heroes. She requested that the words "or heroes" be added to the motion when it is made.

Mr. McHale stated the Parks and Recreation Advisory Commission was very passionate about focusing the monuments on volunteers in the public recreation program. He further stated he feels it is appropriate to recognize heroes separately, without diminishing the effect of volunteer recognition.

Mrs. Humphrey made a motion for the Board to transfer \$2,500 each from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds (total of \$12,500) to the Parks and Recreation Department to erect a volunteer monument in each magisterial district to recognize volunteers or heroes who have significantly influenced the county's public recreation program.

Mr. Miller stated he feels it might be more meaningful to reserve heroes for a separate designation.

Mrs. Humphrey amended her motion to delete the words "or heroes."

Mr. McHale seconded the motion.

Mr. Warren called for a vote on the motion of Mrs. Humphrey, seconded by Mr. McHale, for the Board to transfer \$2,500 each from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds (total of \$12,500) to the Parks and Recreation Department to erect a volunteer monument in each magisterial district to recognize volunteers who have significantly influenced the county's public recreation program.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.21.d. FROM THE BERMUDA DISTRICT IMPROVEMENT FUND TO THE POLICE DEPARTMENT TO PAY FOR THE COST OF POLICE COVERAGE FOR THE CHESTER KIWANIS CLUB CELTIC HERITAGE FESTIVAL

Mr. George Beadles expressed concerns relative to the confusion about Parks and Recreation co-sponsoring the Celtic Heritage Festival. He further stated, although he feels this is a waste of taxpayer dollars, all districts should have to share the cost if Parks and Recreation was at fault in creating the confusion.

No one else came forward to speak to the issue.

On motion of Mr. McHale, seconded by Mr. Warren, the Board transferred \$3,475 from the Bermuda District Improvement Fund to the Police Department to pay for the cost of police coverage for the Chester Kiwanis Club's Celtic Heritage Festival.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.24. REQUEST TO AID THE CROWDER TRUST IN THE ACQUISITION OF OFFSITE SEWER AND TEMPORARY CONSTRUCTION EASEMENTS

Mr. George Beadles stated he feels eminent domain requests should be handled by private law firms and developers would stop coming to the county for assistance.

No one else came forward to speak to the issue.

Mr. McHale made a motion for the Board to authorize Right of Way staff to aid the Crowder Trust in the acquisition of a sewer easement and temporary construction easements, subject to the developer executing a contract agreeing to pay all costs.

Mr. McHale stated it is customary for the Board to assist developers when property owners cannot come to an agreement so that projects can move forward.

Mr. Warren seconded Mr. McHale's motion.

Mr. Barber stated he has turned down eminent domain requests if property owners are put in unfair positions, but that does not appear to be the case in this situation.

Mr. Warren called for a vote on the motion of Mr. McHale, seconded by Mr. Warren, for the Board to authorize Right of Way staff to aid the Crowder Trust in the acquisition of a sewer easement and temporary construction easements, subject to the developer executing a contract agreeing to pay all costs.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board accepted the following reports:

A report on Developer Water and Sewer Contracts; and a status report on the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>BRANDY OAKS, SECTION 6</u>	
Effective 6/20/03	
Brandy Oaks Boulevard (Route 5369) - From 0.78 mile north of Beach Road (Route 655) to Brandy Oaks Road (Route 4322)	0.07 Mi
Brandy Oaks Boulevard (Route 5369) - From Brandy Oaks Road (Route 4322) to Mountcastle Road (Route 5368)	0.20 Mi
Brandy Oaks Boulevard (Route 5369) - From Mountcastle Road (Route 5368) to Cul-de-sac	0.05 Mi
Brandy Oaks Road (Route 4322) - From Brandy Oaks Boulevard (Route 5369) to 0.46 mile west of Brandy Oaks Boulevard (Route 5369)	0.46 Mi
Mountcastle Place (Route 5546) - From Mountcastle Road (Route 5368) to Cul-de-sac	0.06 Mi
Mountcastle Road (Route 5368) - From Brandy Oaks Boulevard (Route 5369) to Mountcastle Place (Route 5546)	0.19 Mi
Mountcastle Road (Route 5368) - From Mountcastle Place (Route 5546) to 0.10 mile west of Mountcastle Place (Route 5546)	0.10 Mi
<u>CLUB CREST, SECTION 3 AT RIVERS BEND</u>	
Effective 6/23/03	
Club Ridge Drive (Route 4752) - From 0.02 mile north of Club Ridge Court (Route 4753) to Club Ridge Terrace (Route 5524)	0.03 Mi
Club Ridge Drive (Route 4752) - From Club Ridge Terrace (Route 5524) to Cul-de-sac	0.23 Mi
Club Ridge Terrace (Route 5524)- From Club Ridge Drive (Route 4752) to Cul-de-sac	0.19 Mi
<u>COALBROOK, SECTION 2</u>	
Effective 6/20/03	
Coalbrook Drive (Route 5529) - From Grove Pond Drive (Route 5527) to Heth Drive (Route 5530)	0.09 Mi

Coalbrook Drive (Route 5529) - From Heth Drive (Route 5530) to 0.03 mile north of Heth Drive (Route 5530)	0.03 Mi
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Coalbrook Drive (Route 5529) - From Grove Hill Road (Route 5471) to Grove Pond Drive (Route 5527)	0.06 Mi
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Grove Pond Drive (Route 5527) - From Coalbrook Drive (Route 5529) to 0.08 mile east of Coalbrook Drive (Route 5529)	0.08 Mi
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Heth Drive (Route 5530) - From Heth Place (Route 5531) to 0.04 mile west of Heth Place (Route 5531)	0.04 Mi
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Heth Drive (Route 5530) - From Coalbrook Drive (Route 5529) to Heth Place (Route 5531)	0.07 Mi
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Heth Drive (Route 5530) - From Heth Place (Route 5531) to Heth Place (Route 5531)	0.02 Mi
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Heth Place (Route 5531) - From Heth Drive (Route 5530) to Heth Drive (Route 5530)	0.05 Mi
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JESSUP FARMS, SECTION F
Effective 6/18/03

Calavetti Court (Route 5548) - From Calavetti Drive (Route 5439) to Cul-de-sac	0.03 Mi
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Calavetti Drive (Route 5439) - From 0.03 mile west of Hackney Road (Route 2326) to Calavetti Court (Route 5548)	0.07 Mi
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Calavetti Drive (Route 5439) - From Calavetti Loop (Route 5547) to Cul-de-sac	0.04 Mi
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Calavetti Drive (Route 5439) - From Calavetti Loop (Route 5547) to Calavetti Loop (Route 5547)	0.03 Mi
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Calavetti Drive (Route 5439) - From Calavetti Court (Route 5548) to Calavetti Loop (Route 5547)	0.04 Mi
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Calavetti Loop (Route 5547) - From Calavetti Drive (Route 5439) to Calavetti Drive (Route 5439)	0.05 Mi
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WEDGEWOOD, SECTION 4
Effective 6/18/03

Abingdon Road (Route 1438) - From 0.03 mile south of Abingdon Court (Route 2732) to Jimmy Ridge Drive (Route 5532)	0.04 Mi
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Jimmy Ridge Drive (Route 5532) - From 0.06 mile east of Lady Sarah Court (Route 5533) to Lady Sarah Court (Route 5533)	0.09 Mi
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Jimmy Ridge Drive (Route 5532) - From Abingdon Road (Route 1438) to Lady Sarah Court (Route 5533)	0.09 Mi
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Jimmy Ridge Drive (Route 5532) - From Lady Sarah Court (Route 5533) to 0.06 mile east of Lady Sarah Court (Route 5533)	0.06 Mi
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Jimmy Ridge Drive (Route 5532) - From Abingdon
Road (Route 1438) to Cul-de-sac 0.04 Mi

Lady Sarah Court (Route 5533) - From Jimmy
Ridge Drive (Route 5532) to Cul-de-sac 0.03 Mi

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

11. DINNER

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Reconvening:

12. INVOCATION

Mr. Malik Khan, President of the Islamic Center of Virginia gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Seaman Michael Whichard led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. RECOGNIZING LIEUTENANT COMMANDER KARL LEONARD, PORT SECURITY MAN CHIEF RICHARD REESE, PORT SECURITY MAN THIRD CLASS ROBERT WHITE, MACHINERY TECHNICIAN THIRD CLASS PERRY LYNCH, AND SEAMAN MICHAEL WHICHARD FOR THEIR CONTRIBUTIONS TO "OPERATION IRAQI FREEDOM"

Colonel Baker introduced Lieutenant Commander Karl Leonard, Port Security Man Chief Richard Reese, Port Security Man Third Class Robert White, Machinery Technician Third Class Perry Lynch and Seaman Michael Whichard who were present to receive the resolutions.

On motion of the Board, the following resolution was adopted:

WHEREAS, America has just completed a war with the regime of Iraqi dictator Saddam Hussein; and

WHEREAS, this military operation, named "Operation Iraqi Freedom," was conducted to free the people of Iraq from years of tyranny and to make the United States, and the world, safer; and

WHEREAS, among the hundreds of thousands of military personnel mobilized for this war effort were scores of Chesterfield County residents who serve in the reserve components of the various military services; and

WHEREAS, Lieutenant Commander Karl Leonard, United States Coast Guard is one of the courageous Americans who answered the call to duty in "Operation Iraqi Freedom" unflinchingly and honorably; and

WHEREAS, this Board of Supervisors supports the President and our troops, and commends the reserve military personnel who served in "Operation Iraqi Freedom" for their courageous service and sacrifice; and

WHEREAS, the families of these military men and women also bear a great sacrifice and uncertainty in the absence of their loved ones serving in far-off lands; and

WHEREAS, it is appropriate to recognize the courage and sacrifice of our reservists and their families during this difficult time.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes the sacrifice and courage of Lieutenant Commander Karl Leonard, who served in "Operation Iraqi Freedom," and expresses its gratitude to him for making the world a safer place for freedom-loving people everywhere.

And, further, the Board adopted the following resolution:

WHEREAS, America has just completed a war with the regime of Iraqi dictator Saddam Hussein; and

WHEREAS, this military operation, named "Operation Iraqi Freedom," was conducted to free the people of Iraq from years of tyranny and to make the United States, and the world, safer; and

WHEREAS, among the hundreds of thousands of military personnel mobilized for this war effort were scores of Chesterfield County residents who serve in the reserve components of the various military services; and

WHEREAS, Port Security Man Chief Richard Reese, United States Coast Guard is one of the courageous Americans who answered the call to duty in "Operation Iraqi Freedom" unflinchingly and honorably; and

WHEREAS, this Board of Supervisors supports the President and our troops, and commends the reserve military personnel who served in "Operation Iraqi Freedom" for their courageous service and sacrifice; and

WHEREAS, the families of these military men and women also bear a great sacrifice and uncertainty in the absence of their loved ones serving in far-off lands; and

WHEREAS, it is appropriate to recognize the courage and sacrifice of our reservists and their families during this difficult time.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes the sacrifice and courage of Port Security Man Chief Richard Reese, who served in "Operation

Iraqi Freedom," and expresses its gratitude to him for making the world a safer place for freedom-loving people everywhere.

And, further, the Board adopted the following resolution:

WHEREAS, America has just completed a war with the regime of Iraqi dictator Saddam Hussein; and

WHEREAS, this military operation, named "Operation Iraqi Freedom," was conducted to free the people of Iraq from years of tyranny and to make the United States, and the world, safer; and

WHEREAS, among the hundreds of thousands of military personnel mobilized for this war effort were scores of Chesterfield County residents who serve in the reserve components of the various military services; and

WHEREAS, Port Security Man Third Class Robert White, United States Coast Guard is one of the courageous Americans who answered the call to duty in "Operation Iraqi Freedom" unflinchingly and honorably; and

WHEREAS, this Board of Supervisors supports the President and our troops, and commends the reserve military personnel who served in "Operation Iraqi Freedom" for their courageous service and sacrifice; and

WHEREAS, the families of these military men and women also bear a great sacrifice and uncertainty in the absence of their loved ones serving in far-off lands; and

WHEREAS, it is appropriate to recognize the courage and sacrifice of our reservists and their families during this difficult time.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes the sacrifice and courage of Port Security Man Third Class Robert White, who served in "Operation Iraqi Freedom," and expresses its gratitude to him for making the world a safer place for freedom-loving people everywhere.

And, further, the Board adopted the following resolution:

WHEREAS, America has just completed a war with the regime of Iraqi dictator Saddam Hussein; and

WHEREAS, this military operation, named "Operation Iraqi Freedom," was conducted to free the people of Iraq from years of tyranny and to make the United States, and the world, safer; and

WHEREAS, among the hundreds of thousands of military personnel mobilized for this war effort were scores of Chesterfield County residents who serve in the reserve components of the various military services; and

WHEREAS, Machinery Technician Third Class Perry Lynch, United States Coast Guard is one of the courageous Americans who answered the call to duty in "Operation Iraqi Freedom" unflinchingly and honorably; and

WHEREAS, this Board of Supervisors supports the President and our troops, and commends the reserve military personnel who served in "Operation Iraqi Freedom" for their courageous service and sacrifice; and

WHEREAS, the families of these military men and women also bear a great sacrifice and uncertainty in the absence of their loved ones serving in far-off lands; and

WHEREAS, it is appropriate to recognize the courage and sacrifice of our reservists and their families during this difficult time.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes the sacrifice and courage of Machinery Technician Third Class Perry Lynch, who served in "Operation Iraqi Freedom," and expresses its gratitude to him for making the world a safer place for freedom-loving people everywhere.

And, further, the Board adopted the following resolution:

WHEREAS, America has just completed a war with the regime of Iraqi dictator Saddam Hussein; and

WHEREAS, this military operation, named "Operation Iraqi Freedom," was conducted to free the people of Iraq from years of tyranny and to make the United States, and the world, safer; and

WHEREAS, among the hundreds of thousands of military personnel mobilized for this war effort were scores of Chesterfield County residents who serve in the reserve components of the various military services; and

WHEREAS, Seaman Michael Whichard, United States Coast Guard is one of the courageous Americans who answered the call to duty in "Operation Iraqi Freedom" unflinchingly and honorably; and

WHEREAS, this Board of Supervisors supports the President and our troops, and commends the reserve military personnel who served in "Operation Iraqi Freedom" for their courageous service and sacrifice; and

WHEREAS, the families of these military men and women also bear a great sacrifice and uncertainty in the absence of their loved ones serving in far-off lands; and

WHEREAS, it is appropriate to recognize the courage and sacrifice of our reservists and their families during this difficult time.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes the sacrifice and courage of Seaman Michael Whichard, who served in "Operation Iraqi Freedom," and expresses its gratitude to him for making the world a safer place for freedom-loving people everywhere.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolutions to each of the reservists, accompanied by members of their families, and commended them upon their courageous service in "Operation Iraqi Freedom."

A standing ovation followed.

Lieutenant Commander Leonard expressed appreciation to the Board for its support of military reservists.

**14.B. RECOGNIZING MR. KEITH DANIELS FOR HIS DEDICATION TO
THE YOUTH OF CHESTERFIELD COUNTY AND HIS COMMITMENT
AND PARTICIPATION IN MONACAN HIGH SCHOOL ATHLETICS**

Mr. Hammer introduced Mr. Keith Daniels who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, participation in high school athletics has long been an integral part in the physical and emotional development of the youth of Chesterfield County; and

WHEREAS, Mr. Keith Daniels has been an inspiration and leader in teaching and coaching for over 25 years; and

WHEREAS, as coach of the Monacan High School Girls Varsity Softball Team, Mr. Daniels has over 301 career wins including twelve Dominion District Championships, seven Dominion District Tournament Championships, two Central Region Championships and has participated five times in the Group AAA Virginia State Championship Tournament; and

WHEREAS, Mr. Daniels has been a seven-time recipient of Dominion District Coach of the Year; a four-time recipient of the Central Region Coach of the Year; and has been selected twice to coach the Virginia High School League Girls Softball All-Star Game; and

WHEREAS, Mr. Daniels' 300-win milestone in Girls Varsity Softball was determined climatically by his daughter Brittany, who had the game's winning hit.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes Mr. Keith Daniels for his dedicated and unselfish commitment to the youth of Chesterfield County, and wishes him continued success in Monacan High School Athletics and other endeavors.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mr. Daniels and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Daniels, accompanied by several students he has coached and members of his family, congratulated him on his coaching accomplishments and wished him continued success.

Ms. Deborah Hinton, Principal of Monacan High School, commended Mr. Daniels on the high expectations he sets and the encouragement he provides to the students.

Mr. Daniels stated outstanding academic and athletically talented students have contributed to his success as a coach. He expressed appreciation to his assistant coaches, Ms. Hinton and his family members for their support.

14.C. RECOGNIZING AUGUST 5, 2003, AS "NATIONAL NIGHT OUT" IN CHESTERFIELD COUNTY

Colonel Baker introduced Mr. Frank Dial, Mr. Walter Stith, Ms. Clem Futrell and Mr. Ric McGrath who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, each year in August, communities across the nation band together to demonstrate their unity in the fight against crime; and

WHEREAS, this show of solidarity by law-abiding citizens has been named "National Night Out"; and

WHEREAS, the National Night Out event taking place on August 5, 2003 will be the 20th annual event of this type; and

WHEREAS, last year's National Night Out campaign involved citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials from 9,800 communities in 50 states, U.S. territories, Canadian cities and military bases worldwide; and

WHEREAS, National Night Out is designed to heighten crime and drug prevention awareness; and

WHEREAS, this event also generates support for, and participation in, local anti-crime programs; and

WHEREAS, National Night Out strengthens neighborhood spirit and the relationships between police and the communities; and

WHEREAS, these events send a message to criminals that the communities are organized and fighting back against crime; and

WHEREAS, Chesterfield County has as one of its strategic goals: "To be the safest and most secure community compared to similar jurisdictions"; and

WHEREAS, National Night Out is an important component in the effort to achieve that goal.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, hereby recognizes August 5, 2003, as "National Night Out" in Chesterfield County, Virginia; thanks police, neighborhood watch groups and all others who have joined to prevent crime; and urges all residents and businesses in Chesterfield County to turn on their porch lights and other exterior lights and

to gather with friends and neighbors on August 5, 2003 to demonstrate their unity in the fight against crime.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Board members presented the executed resolutions to Mr. Dial, Mr. Stith, Ms. Futrell and Mr. McGrath.

Mr. Miller expressed appreciation for the support of neighborhood watch groups in crime prevention in the county.

Mr. Dial expressed appreciation to Colonel Baker and Mr. Warren for assisting with the Bexley community's neighborhood watch group.

Mr. Stith expressed appreciation for the recognition and stated the Matoaca-College Park neighborhood watch group will continue to work with the Police Department to ensure that the neighborhood continues to be safe.

14.D. SUPPORTING THE DEVELOPMENT OF AN AUTISM AWARENESS STAMP

Mr. Hammer introduced Ms. Tamara Altizer and Ms. Mary Hampton who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, autism is a disorder characterized by a set of symptoms that affect individuals by delaying their understanding and use of language, causing unusual responses to sensory stimuli, causing resistance to change and insistence on routines, and further characterized by difficulties with typical social interactions; and

WHEREAS, it is estimated that more than 1,700 Virginia residents have autism; and

WHEREAS, this marks more than a 200 percent increase in autism cases in Virginia in less than ten years; and

WHEREAS, those affected by autism must participate in and compete in a world that is already challenging, but do so with diminished small motor skills, auditory processing disturbances and other sensory difficulties, eating disorders, sleep disorders and a host of other possible symptoms; and

WHEREAS, according to the National Institutes of Health, autism will affect one in every 500 new births; and

WHEREAS, autism is now more common than Downs Syndrome, Cystic Fibrosis or Multiple Sclerosis, and is the third most common developmental disorder; and

WHEREAS, it is estimated that autism costs more than \$13 billion per year in related expenditures in the U.S.; and

WHEREAS, this economic burden translates to more than \$36 million per day; and

WHEREAS, increased awareness of this disorder and the devastating effects it has on families may help in the fight to find new preventive measures and treatments; and

WHEREAS, Representative Richard Baker of Baton Rouge, Louisiana has introduced in Congress a resolution dealing with autism, and has support from 46 members of Congress; and

WHEREAS, the resolution would ask the U. S. Postal Service to develop a postage stamp designed to increase autism awareness; and

WHEREAS, development of such a stamp would be a fitting way to increase public awareness of this debilitating disease.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes the severe social implications of autism, the special challenges it presents to those afflicted by it, and to their families, and in recognition of the importance of education and public awareness in the fight against autism, this Board of Supervisors hereby supports the resolution brought forth by Representative Baker, and supports having the U. S. Postal Service design an autism awareness postage stamp.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented executed resolutions to Ms. Altizer and Ms. Hampton and expressed appreciation for their efforts to promote a nationwide awareness of autism.

Ms. Altizer expressed appreciation for the Board's support of autism awareness.

14.E. RECOGNIZING JOEL GRAYSON OSER UPON ATTAINING THE RANK OF EAGLE SCOUT

Mr. Hammer introduced Mr. Joel Oser who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Joel Grayson Oser, Troop 800, sponsored by Bethel Baptist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle

Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Joel has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 23rd day of July 2003, publicly recognizes Mr. Joel Grayson Oser, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mrs. Humphrey presented the executed resolution and patch to Mr. Oser, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Oser expressed appreciation to the Board for the recognition and also to his mother, Swift Creek Presbyterian Church, members of his troop and scoutmaster for their support.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 17

03SN0214 (Amended)

In Matoaca Magisterial District, JAMES M. BLALOCK requests amendment to Conditional Use Planned Development (Case 95SN0307) and amendment of zoning district map relative to uses, hours of operation and gross floor area for property known as Tract 6. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single-family residential use of 2.0 units per acre or less. This request lies in a Residential (R-9) District on 6.5 acres lying approximately 1,340 feet off the north line of Genito Road, measured from the intersection of Genito and Woolridge Roads. Tax ID 719-687-Part of 2732 (Sheet 9).

Mr. Jacobson stated Mrs. Humphrey has requested a deferral until November 25, 2003.

Mrs. Humphrey stated road improvements are underway in the vicinity of the proposed development and she does not feel Board members have had enough time to thoroughly review the Planning Commission's recommendation; therefore, she will request a deferral until November 25, 2003 to allow for completion of the road improvements.

Mr. Warren called for public comment.

No one came forward to speak to the deferral request.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board deferred Case 03SN0214 until November 25, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

01SN0149

In Bermuda Magisterial District, MILLER OIL COMPANY, INC. requests amendment to Conditional Use Planned Development (Case 97SN0150) and amendment of zoning district map relative to the hours of operation for a convenience/combination store. Specifically, twenty-four (24) hour operation is proposed. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use. This request lies on 2.14 acres fronting approximately 450 feet on the north line of West Hundred Road, also fronting approximately 210 feet on the west line of Rock Hill Road and is located in the northwest quadrant of the intersection of these roads. Tax ID 797-655-3409 (Sheet 26).

Mr. Jacobson stated the applicant has requested that the case be remanded to the Planning Commission.

Mr. LaVerne Cole, representing the applicant, requested that the case be remanded to the Planning Commission.

Mr. Warren called for public comment.

No one came forward to speak to the remand request.

After brief discussion, on motion of Mr. McHale, seconded by Mr. Warren, the Board remanded Case 01SN0149 to the Planning Commission.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SR0270

In Dale Magisterial District, BONNIE L. NUCKOLES requests renewal of Manufactured Home Permit 96SR0137 to park a manufactured home in a Residential (R-7) District. The density of this proposal is approximately 2.28 units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 1.00 to 2.5 units per acre. This property is known as 6709 Old Zion Hill Road. Tax ID 772-679-0220 (Sheet 17).

Mr. Jacobson presented a summary of Case 03SR0270 and stated staff recommends approval subject to conditions.

Ms. Bonnie Nuckoles stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

After brief discussion, on motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved Case 03SR0270 for seven years subject to the following conditions:

1. The applicant shall be the owner and occupant of the manufactured home.
2. Manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a manufactured home site nor shall any manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a manufactured home. All manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

03SR0323

In Bermuda Magisterial District, ELEANOR S. TEMPLE requests renewal of Manufactured Home Permit 96SN0121 to park a manufactured home in a Residential (R-7) District. The density of this property is approximately 1.46 units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01 to 2.50 units per acre. This property is known as 2701 Shields Road. Tax ID 796-659-8191 (Sheet 26).

Mr. Jacobson presented a summary of Case 03SR0323 and stated staff recommends approval subject to conditions.

Ms. Eleanor Temple stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved Case 03SR0323 for seven years subject to the following conditions:

1. The applicant shall be the owner and occupant of the manufactured home.
2. Manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a manufactured home site nor shall any manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a manufactured home. All manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

03SN0221 (Amended)

In Bermuda Magisterial District, JEFFREY D. AND JULIA BOWMAN request rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Business (C-2) with Conditional Use Planned Development to permit exceptions to Zoning Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use. This request lies on 1.3 acres fronting approximately 165 feet on the south line of Old Hundred Road, 290 feet on the east line of Harrowgate Road and 210 feet on the west line of Percival Street and is located at the intersection of these roads. Tax IDs 789-654-1548 and 2755 (Sheet 26).

Mr. Jacobson presented a summary of Case 03SN0221 and stated the Planning Commission and staff recommend approval subject to one condition and acceptance of the proffered conditions. He noted the request conforms to the Chester Village Plan.

Mr. Dean Hawkins, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

After brief discussion, on motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved Case 03SN0221 subject to the following condition:

A nine (9) space exception to the fourteen (14) parking spaces required shall be granted for a photography studio use only. (P)

And, further, the Board accepted the following proffered conditions:

1. Uses shall be limited to the following:

- a) Bakery Goods Store
- b) Barber or Beauty Shop
- c) Book, Stationery, Newspaper or Magazine Store
- d) Brokerage
- e) Camera Store
- f) Candy Store
- g) Dry Cleaning, pick-up and drop-off; pressing; laundry and Laundromat; not to include dry cleaning plants
- h) Florist Shop
- i) Nursery Schools and Child or Adult Day Care Centers and Kindergartens
- j) Offices
- k) Shoe Repair Shop
- l) Tailor and Dressmaking Shops
- m) Antique Shops, not to include pawnbrokers, indoor and outdoor flea markets and second hand consignment stores
- n) Art Schools, Galleries or Museums
- o) Artist Material and Supply Stores
- p) Catering Establishments

- q) Churches and/or Sunday Schools
 - r) Clothing Stores
 - s) Curio or Gift Shops
 - t) Eyewear Sales and Services
 - u) Hobby Stores
 - v) Jewelry Stores
 - w) Libraries
 - x) Locksmith Operations
 - y) Medical Facilities or Clinics
 - z) Musical Instrument Stores
 - aa) Office Supply Stores
 - bb) Photography Studios
 - cc) Restaurants, to include carry-out, but not fast food restaurants
 - dd) Schools- music, dance and business
 - ee) Sewing Machine sales, instruction and services
 - ff) Sporting Goods sales
 - gg) Toy Stores (P)
2. No direct vehicular access shall be provided from the property to Harrowgate Road or Old Hundred Road. (T)
3. Unless removal is necessitated by a public project, the two existing large maples trees along Old Hundred Road and the one large black oak tree along Harrowgate Road shall be preserved. Nothing herein shall limit the removal of diseased, dying or dead trees. (P)
4. Prior to the construction of any additional buildings or on-site vehicular parking areas, the architectural and site plans shall be reviewed by the Planning Commission for approval. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

03SN0274

In Dale Magisterial District, CHESTERFIELD COUNTY BOARD OF SUPERVISORS requests Conditional Use and amendment of zoning district map to permit a boarding house in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 0.8 acre and is known as 5155 Iron Bridge Road. Tax ID 777-688-2813 (Sheet 11).

Mr. Jacobson presented a summary of Case 03SN0274 and stated the Planning Commission and staff recommend approval subject to conditions.

Mr. Kirk Turner, representing the applicant, stated the recommendation is acceptable. He recognized Mr. Richard Wells who was present at the meeting representing Saint Barnabas Episcopal Church.

Mr. Wells indicated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

Mr. Miller made a motion, seconded by Mr. Barber, for the Board to approve Case 03SN0274 subject to conditions.

Discussion ensued relative to the proposed use of the property as a boarding house for women and children in a crisis or homeless situation.

Mrs. Humphrey expressed concerns that this type of use has to be advertised and a map becomes part of the public record.

Mr. Warren called for a vote on the motion of Mr. Miller, seconded by Mr. Barber, for the Board to approve Case 03SN0274 subject to the following conditions:

1. This Conditional Use shall be granted to and for St. Barnabas Episcopal Church, exclusively, and shall not be transferable nor run with the land. (P)
2. The maximum number of residents shall not exceed eight (8) plus one (1) resident counselor. (P)
3. Other than normal maintenance, there shall be no additions or alterations to the dwelling unit to accommodate this use. (P)
4. There shall be no signs to identify this use. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0264

In Clover Hill Magisterial District, CHESTERFIELD COUNTY BOARD OF SUPERVISORS requests Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements in a Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies off the north line of Duckridge Boulevard on 6.8 acres and is known as Lakepointe. Tax IDs 722-672-2248, 2450, 2553, 2757, 2960, 3162, 3345, 3543, 3742, 3767, 4068, 4139, 4255, 4369, 4437, 4556, 4736, 4770, 4857, 5134, 5171, 5348, 5358, 5372, 5432, 5630, 5646, 5659, 5873, 5944, 5960, 6174, 6375, 6763, 6898, 6995, 7065, 7090, 7149, 7184, 7187, 7351, 7367, 7652, 7769, 7971, 8055, 8272, 8299, 8357, 8491, 8588, 8658, 8786, 8961, 9082, 9179, 9263, 9376, 9396, 9464, 9594, 9691, 9888 and 9967; 722-673-6800, 6908, 7110, 7313, 8016, 8417, 8500, 8702, 8717, 9315, 9513 and 9812; 723-672-0085, 0168, 0282, 0470, 0872, 0899, 1074, 1096, 1294, 1376, 1490, 1687 and 1885; and 723-673-0308, 0405 and 0603 (Sheet 15).

Mr. Jacobson presented a summary of Case 03SN0264 and stated the Planning Commission and staff recommend approval subject to one condition.

Mr. Kirk Turner was present representing the applicant.

Mr. Jerry Stroud, representing the Lakepointe community, stated the recommendation is acceptable.

Mr. Warren called for the public hearing.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved Case 03SN0264 subject to the following condition:

Rear Yards. Each lot shall have a rear yard of not less than twenty-five (25) feet except that when the rear lot line of a lot abuts recorded open space containing a minimum width adjacent to the lot of ten (10) feet, then the rear yard of such lot may be reduced to fifteen (15) feet. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0265

In Midlothian Magisterial District, BRUCE R. ANDERSON requests rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Light Industrial (I-1) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 6.0 acres fronting approximately 700 feet on the west line of Ruthers Road, approximately 10 feet north of Provincetown Drive. Tax IDs 761-705-1052, 1874, 2862, 2954 and 3532 (Sheet 7).

Mr. Jacobson presented a summary of Case 03SN0265 and stated the Planning Commission and staff recommend approval subject to one condition and acceptance of the proffered conditions. He noted the request conforms to the Eastern Midlothian Plan.

No one was present representing the applicant.

Mr. Warren called for the public hearing.

Mr. Barber stated he does not know why the applicant is not present, but is comfortable with making a motion for approval even though the applicant is not present.

No one came forward to speak to the request.

Mr. Miller stated applicants need to be made aware that they should be present for all the public hearings regarding their requests.

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved Case 03SN0265 subject to the following condition:

In conjunction with the granting of this request, an exception to setbacks from the adjacent R-TH District shall be granted along the western boundary of the site. Uses shall be located at least thirty-five (35) feet from any R-TH District, located to the west, provided building(s) are designed to provide a screen of activity on the subject property from the adjacent townhouse development, with no openings in the wall facing the property line to the west

except for those necessary for fire/rescue access. Should this screening design not be achieved, uses shall be located at least fifty (50) feet from any R-TH District bordering the western property line. (P)

And, further, the Board accepted the following proffered condition:

Prior to any site plan approval, thirty-five (35) feet of right of way on the west side of Ruthers Road measured from the centerline of that part of Ruthers Road immediately adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0272

In Bermuda Magisterial District, EDNA M. CLAIBORNE requests amendment to Conditional Use (Case 89SN0301) and amendment of zoning district map relative to an approved master plan and to enrollment limitations at an existing child care center. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 units per acre or less. This request lies in an Agricultural (A) District on 0.9 acre and is known as 14611 Woods Edge Road. Tax ID 805-643-6670 (Sheet 35).

Mr. Jacobson presented a summary of Case 03SN0272 and stated the Planning Commission and staff recommend approval subject to one condition and acceptance of one proffered condition.

Ms. Edna Claiborne stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved Case 03SN0272 subject to the following condition:

Any additions, alterations or redevelopment of the site shall conform to the development standards of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)

And, further, the Board accepted the following proffered condition:

1. Prior to any site plan approval, forty-five (45) feet of right-of-way on the east side of Woods Edge Road, measured from the centerline of that part of Woods Edge Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. Direct access from the property to Woods Edge Road shall be limited to one (1) existing entrance/exit. (T)

3. Prior to enrollment of more than eighty (80) students, additional pavement shall be constructed along Woods Edge Road at the approved access to provide a left turn lane. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for these road improvements. (T)

(Staff Note: This condition is in addition to Condition 3 of Case 89SN0301.)

(Note: With the approval of this request, Conditions 1 and 2 of Case 89SN0301 shall be deleted. All other conditions of Cases 84S177 and 89SN0301 shall remain in effect.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0273 (Amended)

In Clover Hill Magisterial District, SHAMROCK LTD. LC requests amendment to Conditional Use Planned Development (Case 83S024) and amendment of zoning district map relative to uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies in a Light Industrial (I-1) District on 1.5 acres fronting approximately 210 feet on the east line of Johnston Willis Drive, approximately 210 feet north of Trade Court. Tax IDs 746-707-6361 and Part of 6842 (Sheet 6).

Mr. Jacobson presented a summary of Case 03SN0273 and stated the Planning Commission and staff recommend approval subject to one condition and acceptance of the proffered conditions.

Ms. Kristen Keatley, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. McHale, the Board approved Case 03SN0273 subject to the following condition:

Motor vehicle services and repair facilities shall be permitted as restricted by the proffered conditions. (P)

(Note: This condition supersedes Condition 15 of Case 83S024 for the request property only. All other conditions of approval for Case 83S024 remain in effect.)

And, further, the Board accepted the following proffered conditions:

1. Automobile "repair services" shall be limited to the installation and maintenance of accessories on emergency services vehicles. These shall be such items including, but not limited to, sirens, light bars, radios, decals, decorative accessories, detailing, etc. Repair services shall not include engine, transmission or typical maintenance services such as oil changes, tire rotation, etc. (P)

2. A maximum of one (1) single bay of parking and a two-way drive shall be located between any building and Johnston Willis Drive. (P)
3. Vehicles awaiting "repair" or pick-up shall be located to the rear of the closest building to Johnston Willis Drive. This area shall be enclosed by a maximum eight (8) foot high chain link coated with black vinyl. (P)
4. The building materials and architectural elevations shall be similar to those depicted in Exhibit "B". Overhead doors on the front of the building shall be limited to a maximum of two (2) ten (10) foot doors. (P)
5. There shall be no delivery of vehicles between the hours of 11:00 pm and 6:00 am. (P)

(Note: These conditions are in addition to conditions of approval for Case 83S024 and are intended for development of a motor vehicle service and repair facility only.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0285

In Clover Hill Magisterial District, BANNER CHRISTIAN SCHOOL requests Conditional Use and amendment of zoning district map to permit a private school in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 8.3 acres and is known as 1501 South Providence Road. Tax ID 755-698-4828 (Sheets 7 and 11).

Mr. Jacobson presented a summary of Case 03SN0285 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Mr. Tom Burkett, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

Mr. Warren made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 03SN0285 and accept the proffered conditions.

Mr. Warren expressed appreciation to Bethany Place Baptist Church for their assistance in relocating the Kids World Learning Center following a fire.

Mr. Bob Mooney, representing Bethany Place Baptist Church, expressed appreciation to the Board for its support of Banner Christian School's request.

Mr. Warren called for a vote on his motion, seconded by Mrs. Humphrey, for the Board to approve Case 03SN0285 and accept the following proffered conditions:

1. The operation of the private school shall be in conjunction with a church use only. (P)
2. This Conditional Use shall be granted for a period not to exceed two (2) years from the date of the approval. (P)
3. There shall be no construction of new buildings nor additions or exterior alterations to the existing buildings to accommodate this use except those required by the Virginia Uniform Statewide Building Code (VAUSBC). (P)
4. The following setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
 - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties to the north, south and east. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522(a)(2) of the Zoning Ordinance.
 - b. If active play fields, courts, swimming pools and similar active recreational areas are setback more than 100 feet from the adjacent properties to the north, south and east, the landscaping or other design features described in Condition 2.a. may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 2.a.
 - c. Any new playground areas (swings, jungle gyms or similar such facilities) shall be setback a minimum of forty (40) feet from all property lines. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16. PUBLIC HEARINGS

16.A. TO CONSIDER ADOPTION OF THE COURTHOUSE AREA DESIGN DISTRICT

Mr. James Bowling, Principal Planner stated that this date and time has been advertised for a public hearing to consider

an ordinance relating to the Courthouse Area Design District. He further stated the proposed ordinance would require new development or redevelopment in the vicinity of the historic Chesterfield County Courthouse to incorporate architectural features that enhance and compliment existing historic structures in the area.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Miller, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 19-580 AND ADDING
SECTIONS 19-588.3, 19-588.4 AND 19-588.5
RELATING TO THE COURTHOUSE AREA DESIGN DISTRICT

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 19-580 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted and Sections 19-588.3, 19-588.4 and 19-588.5 are added to read as follows:

Sec. 19-580. Specified areas.

(a) The Highway Corridor District shall include those lands identified on the zoning district map or otherwise described below that include:

- (1) The Jefferson Davis Highway corridor;
- (2) The Route 360 corridor east;
- (3) The Route 360 corridor west, which shall consist of Hull Street Road, extending from Courthouse Road to the Amelia County line, including all land to a depth of 1500 feet from the centerline of Hull Street Road, unless the parcel or project extends further than 1500 feet, in which case these requirements shall apply to the entire parcel or project;
- (4) The Route 10 corridor east;
- (5) The Old Stage and Coxendale Roads corridor; and
- (6) The Courthouse Area Design District.

(b) The Employment Center District shall include all lands identified on the Route 288 Corridor Plan that include:

- (1) Regional employment center.

(c) The Enon Core District shall include those lands identified on the zoning district map.

ooo

Sec. 19-588.3 Courthouse Area Design District: purpose and intent.

The purpose of sections 19-588.4 and 19-588.5 is to provide standards that will encourage and enhance Colonial and Federalist architectural features that are compatible with the historic structures within, and in proximity to, the Chesterfield County Courthouse Complex.

Sec. 19-588.4 Courthouse Area Design District -- Architecture.

Within the Courthouse Area Design District, all buildings shall be compatible with Federalist and Colonial architecture as exemplified by the historic Chesterfield Courthouse, by Castlewood, and by Magnolia Grange. Architectural features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of materials such as brick and/or siding for walls and standing seam metal or simulated slate for roofs. There shall be no visible flat or shed roofs permitted. Wall offsets and varied rooflines shall be used on larger buildings to create the appearance of several small buildings clustered together. Within a project, compatibility shall be achieved through the consistent use of a Federalist or Colonial architectural styles, and using materials, fenestration, scale and other architectural features appropriate to those styles.

Sec. 19-588.5 Courthouse Area Design District -- Architectural compatibility.

Within the Courthouse Area Design District, architectural treatment of all buildings shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. At locations where the existing buildings do not meet current zoning ordinance requirements for architectural treatment, the director of planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

16.B. TO CONSIDER ORDINANCE AMENDMENTS TO EXPAND BACKGROUND CHECKS TO ALL NEW EMPLOYEES AND EMPLOYEES WHO ARE PROMOTED OR TRANSFERRED

Mr. Eanes stated this date and time has been advertised for a public hearing to consider an ordinance relating to background checks for county employees.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED BY AMENDING
AND RE-ENACTING SECTION 2-79 RELATING TO BACKGROUND CHECKS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 2-79 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 2-79. Personnel background searches.

(a) This ordinance is enacted pursuant to § 19.2-389 and § 15.2-1503.1 of the Code of Virginia. In the interest of public welfare and safety it is necessary to determine whether the past criminal and/or child protective services conduct of each person described in subsections (b), (c) and (d) is compatible with the nature of each person's employment.

(b) In addition to other background searches authorized by local, state, or federal law, the county administrator and his designees within county government shall conduct (1) criminal history record searches and (2) sex offender and crimes against minors registry searches for all applicants for full-time employment who are offered a conditional offer of employment with the county, all employees who are being promoted to a position in their own or another department or applying for a transfer to a position in another department, and all applicants for part-time employment in safety sensitive positions as determined by the county administrator who are offered conditional offers of employment.

(c) In addition to other background searches authorized by local, state or federal law, the county administrator and his designees within county government shall conduct (1) criminal history record searches (2) sex offender and crimes against minors registry searches and (3) child protective services central registry searches on full-time and part-time county employees who provide services to juveniles or who provide maintenance services at county schools, and applicants for county employment, both full-time and part-time, who will hold such positions and who have received a conditional offer of employment.

(d) In addition to other background searches authorized by local, state or federal law, the county administrator and his designees within county government shall conduct (1) criminal history record searches (2) sex offender and crimes against minors registry searches on volunteers for county departments who will provide services to juveniles, and volunteer rescue squads.

(e) The county administrator is authorized to identify employee and volunteer positions which meet the criteria of subsection (c) and (d) and to incorporate such list into an administrative policy which implements the provisions of this section. Such administrative policy shall indicate whether such searches shall be universal or random and shall identify consequences for past behavior.

(f) All employees, volunteers and applicants identified in subsections (b), (c), or (d) shall execute, as a condition of employment or service, the necessary documents to permit the searches described in this section and shall cooperate with all agencies providing information. In addition, all applicants for employment given a conditional offer of employment shall submit two sets of fingerprints for processing a nationwide background check.

(g) Any employee disciplined as a result of a background search may grieve such discipline in accordance with the county grievance procedure.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16.D. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF AN UNIMPROVED COUNTY RIGHT OF WAY KNOWN AS MORRISSETT ROAD

Mr. Stith stated this date and time has been advertised for a public hearing to consider an ordinance to vacate a portion of an unimproved county right of way known as Morrisett Road.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

Mr. Miller made a motion, seconded by Mrs. Humphrey, for the Board to terminate a license agreement approved April 25, 2001 and authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed.

Mrs. Humphrey expressed appreciation to the residents of Morrisett Road for their patience in this process.

Mr. Warren called for a vote on the motion of Mr. Miller, seconded by Mrs. Humphrey, for the Board to terminate a license agreement approved April 25, 2001 and authorize the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed.

And, further, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to TIMOTHY L. RICE and TERESA E. RICE, (husband and wife), and HUGH H. CRITTENDEN and MARY W. CRITTENDEN, (husband and wife), ("GRANTEE"), a portion of a 30' county right of way known as Morrisett Road, DALE Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 1, at Page 141.

WHEREAS, TIMOTHY L. RICE and TERESA E. RICE, petitioned the Board of Supervisors of Chesterfield County, Virginia to

vacate a portion of a 30' county right of way known as Morrisett Road, DALE Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 1, Page 141, by J. E. LAPRADE, dated FEBRUARY 1, 1879. The portion of right of way petitioned to be vacated is more fully described as follows:

A portion of a 30' county right of way known as Morrisett Road, the location of which is more fully shown on a plat made by the CHESTERFIELD COUNTY DEPARTMENT OF UTILITIES, dated JULY 3, 2003, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion right of way sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of right of way be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title to the centerline of the right of way hereby vacated in the adjacent property owners free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and TIMOTHY L. RICE and TERESA E. RICE, (husband and wife), and HUGH H. CRITTENDEN and MARY W. CRITTENDEN, (husband and wife), or their successors in title, as GRANTEE.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16.E. TO CONSIDER AN ORDINANCE TO VACATE AN EIGHT-FOOT EASEMENT ACROSS LOTS 4 THROUGH 23, BLOCK C, FREDERICK FARMS SUBDIVISION

Mr. Stith stated this date and time has been advertised for a public hearing to consider an ordinance to vacate an eight-

foot easement across Lots 4 through 23, Block C, Frederick Farms Subdivision.

Mr. Warren called for public comment.

Mr. Ty Brock, accompanied by his wife, stated he supports the ordinance.

There being no one else to speak to the ordinance, the public hearing was closed.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to SEAN P. COX and AMY J. COX, (husband and wife), SEAN M. MCMAHAN and LISA M. MCMAHAN, (husband and wife), THEODORE M. GRANGER and JEAN M. GRANGER, (husband and wife), TERRY K. BROOKS, FORREST W. CAUTHORN, KAREN E. ALOI, DAVID E. FULLER and DEBBY JEANNE FULLER, (husband and wife), G. ARNOLD GEORGE, JR., BRIAN SCOTT WILLIAMSON, EVELYN P. HUNT, MELISSA J. LESTER, DEBORAH J. LEVET, JASON W. CROWDER, TROY N. SMITH and PATRICIA E. SMITH, CHARLES M. BOULWARE and JANIE B. STEELE, TYRONE T. MOORE, CHRISTOPHER KNECHT, BRYAN T. CECIL and TONYA J. CECIL, (husband and wife), MICHAEL E. ARMSTRONG and SHELLEY G. ARMSTRONG, his wife, and RONALD D. MARRIN, JR. and TINA M. PARTIN, ("GRANTEE"), an 8' easement across Lots 4 through 23, Block C, Frederick Farms Subdivision, CLOVER HILL Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 48, at Page 8.

WHEREAS, the Chesterfield County Board of Supervisors has been petitioned to vacate an 8' easement across Lots 4 through 23, Block C, Frederick Farms Subdivision, CLOVER HILL Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 48, Page 8, by LEWIS & OWENS, INC., dated SEPTEMBER 20, 1984, and recorded DECEMBER 6, 1984. The easement petitioned to be vacated is more fully described as follows:

An 8' easement, across Lots 4 through 23, Block C, Frederick Farms Subdivision, the location of which is more fully shown on a plat made by LEWIS & OWENS, INC., dated SEPTEMBER 20, 1984, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portions of easement hereby vacated in the underlying owners of Lots 4 through 23, Block C, within Frederick Farms Subdivision, free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and SEAN P. COX and AMY J. COX, (husband and wife), SEAN M. MCMAHAN and LISA M. MCMAHAN, (husband and wife), THEODORE M. GRANGER and JEAN M. GRANGER, (husband and wife), TERRY K. BROOKS, FORREST W. CAUTHORN, KAREN E. ALOI, DAVID E. FULLER and DEBBY JEANNE FULLER, (husband and wife), G. ARNOLD GEORGE, JR., BRIAN SCOTT WILLIAMSON, EVELYN P. HUNT, MELISSA J. LESTER, DEBORAH J. LEVET, JASON W. CROWDER, TROY N. SMITH and PATRICIA E. SMITH, CHARLES M. BOULWARE and JANIE B. STEELE, TYRONE T. MOORE, CHRISTOPHER KNECHT, BRYAN T. CECIL and TONYA J. CECIL, (husband and wife), MICHAEL E. ARMSTRONG and SHELLEY G. ARMSTRONG, his wife, and RONALD D. MARRIN, JR. and TINA M. PARTIN, or their successors in title, as GRANTEE.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16.F. TO CONSIDER A REQUEST TO QUITCLAIM A 3.571-ACRE PARCEL OF LAND TO BB HUNT, L.L.C.

Mr. Stith stated this date and time has been advertised for a public hearing to consider a request to quitclaim a 3.571-acre parcel of land to BB Hunt, L.L.C.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mr. McHale, the Board authorized the Chairman of the Board of Supervisors and the

County Administrator to execute a quitclaim deed to vacate a 3.571-acre parcel of land to BB Hunt, L.L.C.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

02SN0237 (Amended)

In Dale and Matoaca Magisterial Districts, ROPER BROTHERS LUMBER CO., INC. AND NASH ROAD/WOODPECKER ROAD, LLC request rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) of 620.9 acres and proffered conditions on an existing zoned Residential (R-25) 872 acre tract. Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited to R-88 zoning. This request lies on 1,492.9 acres fronting approximately 3,100 feet on the west line of Cattail Road, approximately 1,100 feet north of Reedy Branch Road; also fronting approximately 9,600 feet on the north line of Woodpecker Road, across from Cattail Road; also fronting approximately 5,000 feet on the south line of Woodpecker Road, approximately 3,500 feet east of Nash Road. Tax IDs 761-643-6618, 764-639-4424 and 768-646-Part of 4472 (Sheets 25 and 33).

Mr. Jacobson presented a summary of Case 02SN0237 and stated the applicant is offering to reconstruct Nash Road to modern development standards between Highland Glen Drive and Eastfair Drive early in the development process of the subject property. He further stated staff recommends approval subject to the applicant fully addressing the impact of the proposed development on capital facilities. He stated the Planning Commission recommends approval and acceptance of the proffered conditions and noted that the request conforms to the Southern and Western Area Plan.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the reconstruction of Nash Road will provide immediate relief for the area, and no additional density is being added that was not already approved in 1988. He requested the Board's approval of the request.

Mr. Warren called for public comment.

Mr. Michael McKey, a resident of Cattail Road, stated the reconstruction of Nash Road will be 3.6 miles from the Cattail Road section of the proposed development and expressed concerns relative to the impact 310 additional homes will have on Nash Road in the vicinity of Cattail Road.

Mr. Rudy stated the road issues in the vicinity of Cattail Road will be solved as Eastfair develops, indicating that a thoroughfare road has been planned from the onset of this project.

Mrs. Humphrey requested that Mr. Rudy provide details of the proposed thoroughfare road to Mr. McKey.

There being no one else to speak to the request, the public hearing was closed.

Mr. Miller stated the road improvements will address a section of Nash Road in the Dale District with extremely serious conditions, and he feels the proffered condition is very appropriate.

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board to approve Case 02SN0237 and accept the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 761-643-6618, (Parcel "A"), and Tax ID 764-639-4424, (Parcel "B") (the "Property") under consideration will be developed according to the following conditions and that Condition 1 of Zoning Case 88SN0148 will be amended by condition 3 below, for the request property only, Tax ID 786-646-4472, (Parcel "C-1") if, and only if, the rezoning request for R-88 and the amendment to case 88SN0148 are granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

This application contains one exhibit described as follows:

Exhibit A - The plan titled "Zoning Plan" dated March 15, 2002.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

2. Transportation.

Dedications. In conjunction with recordation of the initial subdivision plat, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:

- (a) Forty-five (45) feet of right of way, on the south side of Woodpecker Road and on the west side of Cattail Road, measured from the centerline of that part of the roads immediately adjacent to the property; and
- (b) a two hundred (200) foot wide limited access right-of-way for an east/west freeway ("East/ West Freeway") through the southeastern part of the property. The exact location of this right-of-way shall be approved by the Transportation Department. There shall be no such requirement to dedicate such right-of-way, if prior to recordation of the

initial subdivision plat, the Board of Supervisors approves an alternative location for the East/ West Freeway that does not extend across the property.

Accesses. Direct access from the property to Woodpecker Road and Cattail Road shall be limited to two (2) public roads onto each roadway; for a total of four accesses. The exact location of these accesses shall be approved by the Transportation Department.

Road Improvements. To provide for an adequate roadway system, the developer shall be responsible for the following:

- (a) Construction of additional pavement along Woodpecker Road and Cattail Road at each approved access to provide left and right turn lanes, based on Transportation Department standards;
- (b) Relocation of the ditch to provide an adequate shoulder along the south side of Woodpecker Road and along the west side of Cattail Road for the entire property frontage; and
- (c) Reconstruction of Nash Road as a two-lane roadway, based on VDOT Urban Collector Standards (40 MPH) and on a ten (10) year storm design criteria with modifications approved by the Transportation Department, from the intersection of Highland Glen Drive to the Eastfair Drive Intersection.
- (d) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire the right-of-way necessary for the road improvement identified in Proffered Condition 2.(c), the developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department.
- (e) Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 2, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that prior to recordation of the initial subdivision plat, the developer shall; 1) prepare and have approved construction plans for the road improvements outlined in Proffered Condition 2.(c); and 2) submit a letter of credit to the County for the cost to construct the road improvements outlined in Proffered Condition 2.(c) including the cost of acquire all necessary right-of-way for said improvements. The approved phasing plan shall also

require the road improvements outlined in Proffered Condition 2.(c) to be completed prior to the recordation of more than accumulative total of 50 lots or one (1) year from the date of recordation of the initial subdivision plat, whichever occurs first. (T)

Transportation Phasing Plan.

Prior to any road and drainage plan approval, a phasing plan for the required road improvements, as identified above, shall be submitted to and approved by the Transportation Department. (T)

(STAFF NOTE: Proffered Conditions 1 and 2 apply only to Parcels A and B on Exhibit A.)

3. Density. The total number of single family residential units on Parcels A and B shall not exceed an overall density of 0.5 single family residential unit per acre. The total number of single family residential units developed cumulatively on Parcels A, B and C-1 shall not exceed 1250 single family residential units. (Note: This proffered condition modifies Proffered Condition 1 of Case 88SN0148, for parcel C-1 only. The total number of units permitted in the land area, which was the subject of Case 88SN0148 remains at 2000 units. (P)

(STAFF NOTE: Proffered Condition 3 applies to Parcels A, B and C-1 on Exhibit A.)

4. (a) On or before the issuance of the 100th building permit on Parcels A and B on Exhibit A, developers shall either: 1) apply for a Conditional Use on Parcels A and/or B on Exhibit A to permit recreational facilities which shall include a minimum 4,000 gross square foot multi-purpose building; or 2) submit a site plan on a part of Parcel C-1 on Exhibit A for a minimum 4,000 gross square foot multi-purpose building.

(b) The developers shall obtain certificates of occupancy for said multi-purpose building within 18 months of the issuance of the 100th residential building permit on Parcels A and B on Exhibit A. Otherwise no further residential building permits shall be granted on Parcels A and B on Exhibit A until such certificates of occupancy have been granted.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

03SN0224 (Amended)

In Bermuda Magisterial District, ABILENE MOTOR EXPRESS requests rezoning and amendment of zoning district map from Residential (R-7) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial and light industrial use. This request lies on 4.6 acres fronting approximately 400 feet on the north line of Willis Road and approximately 290 feet on the east line of Germont Avenue and

located in the northeast quadrant of the intersections of these roads. Tax IDs 796-671-9098, 796-672-9113 and Part of 9454 and 797-672-0506 and 0743 (Sheet 18).

Ms. Beverly Rogers presented a summary of Case 03SN0224 and stated staff recommends denial because the request does not conform to the Jefferson Davis Corridor Plan, which designates the property for commercial and light industrial uses, and the proposed zoning and land uses are not compatible with existing area residential development and anticipated commercial and industrial development in the area. She further stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the Plan is a guide, the proposed zoning will accommodate expansion of an existing business consistent with the goals of the plan to encourage economic development, and concerns of area residents have been addressed.

Mr. Dean Hawkins, representing the applicant, stated he supports the Planning Commission's recommendation.

Mr. Warren called for public comment.

Mr. Dwayne Friedline expressed concerns that many homes in the area of the proposed development have not been properly maintained, and he does not want to see the area become blighted with no hope of rehabilitation. He further stated the applicant is a reputable business and a good neighbor in the community, and requested that the Board approve the request so that the applicant as well as the surrounding area will continue to prosper.

When asked, Mr. Friedline stated he was extremely concerned at first about the proposed development, but now supports the project.

There being no one else to speak to the request, the public hearing was closed.

On motion of Mr. McHale, seconded by Mr. Miller, the Board approved Case 03SN0224 and accepted the following proffered conditions:

1. Uses shall be limited to the following:
 - a) Any uses permitted in the Community Business (C-3) District.
 - b) Any uses permitted in the Light Industrial (I-1) District.
 - c) Motor vehicle sales, service, repair and rental, excluding motor vehicle consignment lots.
 - d) Truck terminals. (P)
2. Prior to any site plan approval, thirty-five (35) feet of right-of-way on the north side of Willis Road and thirty (30) feet of right-of-way on the east side of Germont Avenue, as respectively measured from the centerline of those parts of Willis Road and Germont Avenue immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. No direct access shall be permitted from the request

property to Willis Road. (T)

4. The public water and wastewater systems shall be used.
(U)
5. Except for timbering approved by the Virginia Department of Forestry for the purpose of removing dead and/or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16.C. TO CONSIDER AN ORDINANCE TO ESTABLISH THE "ENGLEWOOD SEWER ASSESSMENT DISTRICT"

Mr. Stith stated this date and time has been advertised for a public hearing to consider an ordinance to establish the "Englewood Sewer Assessment District."

Mr. Warren called for public comment.

Mr. Chuck Hamm expressed concerns relative to the financial burden and environmental impact the proposed sewer assessment district will have on him. He stated his septic system is working well and has done so for many years. He further stated the sewer line is proposed to end adjacent to his property and expressed concerns relative to destruction of his azalea bed, concrete driveway and wooden fence in order to hook on to the system. He stated he is not opposed to the project itself, but would prefer not to be a part of it and requested that his property be exempted from the proposed sewer assessment district.

Ms. Peggy Burns stated she does not support the proposed ordinance because she cannot afford it and does not need it. She further stated the resident who originated the proposal has another option to address his problem.

Mr. Warren excused himself from the meeting.

Mr. Oscar Honeycutt described the difficulties he has had with his septic system during the past 35 years. He stated a serious health issue will occur if septic systems fail throughout the neighborhood, indicating he supports the proposed sewer assessment district. He noted the expense of the proposal can be paid over an extended period of time, and requested the Board's approval.

Ms. Cheryl Gardner expressed concerns relative to odor in the neighborhood and stated the residents are desperate for relief.

Mr. Chuck Kerwath stated, although he is sympathetic to his neighbors' financial dilemmas, he feels in the long run it will be in the best interest of the neighborhood. He urged the Board to support the proposal.

Mr. Al Elko stated at least four people in the immediate neighborhood are having serious septic problems, and he feels

the proposed sewer assessment district would be in the best interest the community.

Mr. Joel Reinford expressed concerns relative to the difficulties his neighbors are having with their septic systems, and feels the time is right to go forward with the project.

Mrs. Beulah Proffitt stated she has never had a problem with her septic system and does not feel she should be forced to pay for this project when she does not support it. She further stated she was informed by Henrico County that they would not approve an assessment district unless all of the residents supported it.

Mrs. Esther Nelson stated she does not like being forced to pay for something she cannot afford. She further stated she has had no trouble with her septic system, and does not support the project.

Mr. Keith Boswell stated he would prefer to see the county assist with the failing septic systems, but will support the project and bear his responsibility.

There being no one else to speak to the issue, the public hearing was closed.

Mr. Barber stated this is a very difficult issue, and he has never seen a sewer assessment district that had 100 percent support of the residents.

Discussion ensued relative to Henrico County's process for assessment districts.

Mr. Bryant stated he believes Henrico County takes the same approach as Chesterfield, although they may provide partial funding to reduce the assessment in some cases.

Mr. Warren returned to the meeting.

Mr. Barber requested that Mr. Bryant investigate the process used by Henrico and report back to the Board. He stated the county cannot afford to fund sewer projects. He requested that Utilities staff prepare an alternative to the proposed district that would eliminate Mr. Hamm and Ms. Burns from the proposal. He stated the overall cost would increase for the remaining residents, and indicated he does not have a solution for the other three property owners who object to the proposal at this time.

Discussion ensued relative to an existing sewer line on Iredell Road.

Mr. Bryant stated the area cannot be served from the existing sewer line because of the topography in the area.

Mr. Barber requested that Mr. Bryant further investigate the possibility of tying any of the lots in the proposed assessment district into the existing sewer line on Iredell Road.

Mr. Barber made a motion, seconded by Mr. Warren, for the Board to defer consideration of an ordinance to establish the

"Englewood Sewer Assessment District" until September 17, 2003, in order for staff to investigate alternative designs and districts that address concerns raised by citizens to the extent this can be done and to re-advertise for another public hearing on one or more such proposal.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

18. ADJOURNMENT

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board adjourned at 9:20 p.m. until August 13, 2003 at 3:00 p.m.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Lane B. Ramsey
County Administrator

Arthur S. Warren
Chairman